

TITLE I—OFFICE OF THE SECRETARY

Subtitle A—Accelerating Project Delivery

Sec. 31101. Delegation of Authority.

This section would require that the Secretary of Transportation delegate the authority of Administrator of a Department of Transportation operating administration to a specific individual for not more than 210 days.

Sec. 31102. Infrastructure Permitting Improvement Center.

This section would establish an Infrastructure Permitting Improvement Center, administratively housed within the Office of the Secretary of Transportation and overseen by a Steering Committee including Deputy-level representatives from certain agencies. This section would require the Infrastructure Permitting Improvement Center to coordinate and support priority infrastructure permitting reforms, support innovative pilot programs, provide technical assistance, and track permitting metrics and outcomes for projects in certain sectors.

Sec. 31103. Accelerated Decision-Making in Environmental Reviews.

This section would allow the Department of Transportation, in preparing a final environmental impact statement as lead agency, to modify the statement with minor and factual changes described in errata sheets attached to the statement, instead of rewriting the draft statement.

Sec. 31104. Environmental Review Alignment and Reform.

This section would require the Department of Transportation, in coordination with the Steering Committee described in section 1102, to develop a coordinated and concurrent environmental review and permitting process for transportation projects requiring an environmental impact statement. The section would require the Department of Transportation to coordinate with the Steering Committee to measure and report on the alignment of Federal review.

Sec. 31105. Multimodal Categorical Exclusions.

This section would modify the definition of “multimodal project” to expand its applicability to all Department of Transportation actions rather than only those funded under title 23 or chapter 53 of title 49. This section would also clarify the roles and responsibilities for applying a cooperating authority’s categorical exclusion (i.e., a determination that an action does not involve significant environmental impacts) and would make certain changes to support cooperation between Department of Transportation operating administrations.

Sec. 31106. Improving Transparency in Environmental Reviews.

This section would require the Secretary of Transportation, within two years of enactment of this Act, to establish an online platform to make publically available the status and progress of environmental reviews and permitting on projects requiring either an environmental impact statement or an environmental assessment.

Sec. 31107. Local Transportation Infrastructure Program.

This section would reauthorize the state infrastructure bank program.

Subtitle B—Research

Sec. 31201. Findings.

This section would indicate the Sense of Congress that coordination of research activities should occur at the Office of the Secretary, not solely within modal administrations, with the goal of reducing duplication of effort.

Sec. 31202. Modal Research Plans.

This section would require that modal administrations within the Department of Transportation submit to the Assistant Secretary for Research and Technology an annual research plan with detailed information about the funding of research efforts. The Assistant Secretary would review, approve, and publically post plans. If, during the review of modal research plans, the Assistant Secretary identifies duplication of research objectives or plans, the Secretary would be directed to disapprove the plan and eliminate the duplication of effort. The Secretary would be required to issue an annual certification to Congress that there is no duplication of effort within research programs. This section would limit funding of research projects unless approved as part of a modal research plan.

Sec. 31203. Consolidated Research Prospectus and Strategic Plan.

This section would require the Secretary to annually publish a report containing the modal research plans required by section 1302 of this act, multimodal applications of projects contained within the report, and coordination between the modal agencies to maximize the usefulness of research conducted by the Department. This section further requires the Secretary to publish a five-year research strategic plan.

Sec. 31204. Research Ombudsman.

This section would create the position of Research Ombudsman within the Office of the Assistant Secretary for Research and Technology. This section would require that an individual selected for the position be knowledgeable about research study design and transportation. This section would further require that the individual not previously have served as a political appointee within the Department.

This section would grant the Research Ombudsman the authority to receive and address complaints about research efforts directed or funded by the Department. Complaints eligible for review include: study design, sample composition, assumptions or bias, and conflict of interest. Upon receiving a complaint, the Research Ombudsman would review the concern, and provide a response, including a recommendation for remedy if necessary. Responses and proposed remedies would be posted on a public website.

Sec. 31205. Smart Cities Transportation Planning Study.

This section would require a study of how technology is being used to influence transportation planning. The study would offer the best practices for integrating and using technology to improve planning and would be posted on a public website.

Sec. 31206. Bureau of Transportation Statistics Independence.

This section would provide the Director of the Bureau of Transportation Statistics with statutory authority to manage, independent of other elements of the Department of Transportation, budget, staffing, and decision making with regard to the Director's role in developing sound statistical documents and reports.

Sec. 31207. Conforming Amendments.

This section makes conforming changes to the Code to elevate the office of the Assistant Secretary of Research and Technology, consistent with practice, and changes in appropriations.

Sec. 31208. Repeal of Obsolete Office.

This section would repeal the defunct Office of Intermodalism.

Subtitle C—Port Performance Act

Sec. 31301. Short Title.

This section would provide that this subtitle may be cited as the "Port Performance Act."

Sec. 31302. Findings.

This section highlights the critical role that America's ports play in the Nation's transportation supply chain network.

Sec. 31303. Port Performance Freight Statistics Program.

This section would establish a port performance statistics program within the Bureau of Transportation Statistics (BTS) and require its Director to provide an annual report to Congress on capacity and throughput at the Nation's top 25 ports by tonnage, top 25 ports by twenty-foot equivalent unit, and top 25 ports by dry bulk. This section would also require key U.S. ports that are subject to Federal regulation or receive Federal assistance to submit monthly statistics to BTS on their capacity and throughput statistics.

Additionally, this section would authorize the Director to commission a working group composed of public and private stakeholders from across the maritime and surface transportation industries, as well as representatives from various advisory committees and the National Academies, to provide recommendations to the Director on port performance measures, a process for the DOT to collect timely and consistent data, and safeguards to protect proprietary information. Furthermore, this section would ensure that statistics compiled through this

program are readily accessible to the public, consistent with applicable security constraints and confidentiality interests.

This section would further establish prohibitions on certain disclosures of ports performance data or reports collected or produced under the authority of this program.

TITLE II—COMMERCIAL MOTOR VEHICLE AND DRIVER PROGRAMS

Subtitle A—Compliance, Safety, and Accountability Reform

Sec. 32001. Correlation Study.

This section would require the Federal Motor Carrier Safety Administration (FMCSA) to commission a study from the Transportation Research Board to analyze the Compliance, Safety, and Accountability (CSA) program, which currently assigns Safety Management System (SMS) scores to commercial motor carriers. The study would evaluate whether the current data inputs and analyses reliably predict future crash risk for motor carriers, and whether the system provides similar enforcement benefits for large and small motor carriers.

Sec. 32002. Safety Improvement Metrics.

This section would require the Administrator to develop a structure to provide positive SMS points for investments in select safety technologies, tools, programs, and systems not mandated by law. The legislation further requires that the positive points associated with a motor carrier's safety investment be presented online with other SMS data.

The Administrator would also be required to develop a system for reviewing new technologies to be added to the list of systems eligible for inclusion in the program. It provides that stakeholders may petition for a system to be considered, and that the Administrator should include technology that will be subject to a government mandate in the future (to incentivize early adoption of new safety technology before it is mandated). To prevent fraud, this section also requires the Administrator to develop a process for verifying the installation and use of these technologies.

This section would further require that the Administrator maintain an up-to-date website with data about approved technologies, pending petitions, and how the scores are calculated.

The section would also require the Administrator to use data gathered in this program to develop data-driven regulations in the future, and requires detailed reporting to Congress on the use of the program.

This section would provide that no element of this program can be used to provide the Administrator with additional authority to change requirements for operation of a commercial motor vehicle.

Sec. 32003. Data Certification.

This section would require that FMCSA remove SMS data alerts, scores, and percentiles from public view until the report and corrective action plan required by section 2001 have been

published, and recommendations completed. The inspection and violation information provided by state and federal inspectors would remain available for public review. This change was made to allow the FMCSA to address DOT IG, GAO, and internal DOT concerns about the ability of the analysis to accurately reflect crash risk. However, accident and violation information will still remain public. This section would further allow data on motorcoaches to remain public. In addition, this section requires that the analysis not be made available until the Safety Improvement Metrics system developed in Section 2002 has been developed.

This section further requires that, in the interim, the data would remain available to state and local law enforcement for enforcement purposes only, and could be made available to the relevant driver or carrier upon request.

Sec. 32004. Data Improvement.

This section requires the Administrator of FMCSA to develop a data entry system to ensure the accurate and consistent entry of enforcement reports into agency data systems.

Sec. 32005. Accident Report Information.

This section would require the Administrator to develop a review program to remove accident data from the CSA system when the motor carrier was not at fault. The program developed under this section would allow for the review of accidents where another party to the crash was found at fault, was intoxicated, struck the motor vehicle from behind, was driving on the wrong side of the road, or if the commercial motor vehicle was stopped. Protections were also added for this process to ensure the accident review decisions will not create new evidence for use in civil or criminal court.

This section allows the Administrator to collect information from the motor carrier, including insurance records, crash reports, and court documents to determine if the motor carrier was the cause of the accident.

This section would authorize the collection of fees to offset the cost of the accident report information program. This section would further require the Secretary to report to Congress on the results of the review program.

Sec. 32006. Post-Accident Report Review.

This section would require the Secretary to convene a working group to review the types of information collected in post-accident reports. This section would direct the Secretary and working group to review the types of information states collect and transmit to the Federal government, and determine if additional data collection should occur following commercial motor vehicle accidents.

Sec. 2007. Recognizing Excellence in Safety.

This section would direct the Administrator of FMCSA to develop a program to recognize outstanding safety practices. This section would also clarify that such recognition would not be an endorsement of any motor carrier receiving an award.

Sec. 32008. High Risk Carrier Reviews.

This section would require that, following the completion of the certification required under Section 2003 of this Act, and the development of the safety fitness determination standard, the Secretary shall ensure that carriers identified as high risk carriers for more than four months shall receive a review. This section further requires a report to Congress on implementation of this program.

Subtitle B—Transparency and Accountability

Sec. 32201. Petitions for Regulatory Relief.

This section would provide a process for groups to petition the Federal Motor Carrier Safety Administration for temporary and permanent exemption from hours of service regulations. This process would mirror the petitions process already in place via regulation, but with a clear timetable for consideration. This section would make permanent several temporary exemptions that have already been approved by the Federal Motor Carrier Safety Administration through the regulatory petitions process.

Sec. 32202. Inspector Standards.

This section would incorporate by reference the inspector standards developed by the North American Accrediting Association, the Commercial Vehicle Safety Alliance.

Sec. 32203. Technology Improvements.

This section would direct the Government Accountability Office to complete a study regarding the technology needs and usage of the Federal Motor Carrier Safety Administration. The study would review redundancies in Information Technology at FMCSA, and determine if systems should be further consolidated.

Subtitle C—Trucking Rules Updated by Comprehensive and Key Safety Reform Act

Sec. 32301. Update on Statutory Requirements.

This section would require that the Secretary provide updates to Congress every 90 days on the status of incomplete regulations that were required by statute.

Sec. 32302. Statutory Rulemaking.

This section would require that the Secretary prioritize development of rulemakings required by statute before proceeding with other activities.

Sec. 32303. Guidance Reform.

This section would require that all regulatory guidance issued by the Federal Motor Carrier Safety Administration include a date of issuance and an agency point of contact for public information regarding the guidance.

This section would further require that issued or re-issued guidance must be published in the federal register on date of issuance or re-issuance. If, after the five year review, FMCSA attempts to reissue a guidance, the guidance will be effective up to 24 months after the conclusion of each review.

This section would further require FMCSA to conduct a comprehensive review of all guidance and enforcement policies to determine whether or not they are (1) consistent and clear, (2) consistently enforceable, and (3) if a guidance is still necessary. Prior to the review, FMCSA must offer a notice and comment period for stakeholder input. After the date of review, FMCSA must publish a report on the DOT website.

Sec. 32304. Petitions.

This section would prioritize stakeholder petitions based on the likelihood of safety improvements and require FMCSA to formally respond to petitions no later than six months after a petition is submitted.

This section would require the agency to maintain a publically available inventory of all petitions received, including information about the disposition of each petition.

This section would define petitions as requests for new regulations, regulatory interpretations, or clarifications, or a retrospective review of regulations to eliminate or modify obsolete, ineffective, or overly-burdensome rules.

Sec. 32305. Regulatory Reform

This section would require each regulatory impact analysis of a proposed or final rule issued by the Federal Motor Carrier Safety Administration to consider the effects of the rule on carriers with differing characteristics and to formulate estimates and findings on the best available science. This section would require the analysis use data from a representative sample of commercial vehicle operators or motor carriers and consider effects on carriers of various sizes and types.

This section would require the Secretary of Transportation, prior to issuing a proposed rule that is reasonably likely to lead to a major rule concerning motor vehicle and driver programs, to determine whether to proceed with a negotiated rulemaking or to issue an advance notice of proposed rulemaking requesting public comment on certain issues.

Subtitle D—State Authorities

Sec. 32401. Emergency Route Working Group.

This section would require the establishment of a working group to identify best practices for expediting the issuance of special permits for vehicles responding to, or transporting goods for, emergency response.

Sec. 32402. Additional State Authority.

This section would allow a state, for 180 days following enactment of this Act, to redesignate the allowable routes for longer combination vehicles to roadways designed for larger vehicles provided doing so is expected to increase safety performance.

Sec. 32403. Commercial Driver Access

This section would allow the Secretary to establish a six-year pilot program to allow states to enter into interstate compacts to allow for appropriately licensed drivers between the ages of 18 and 21 to travel in interstate commerce. This section would limit the number of pilot program compacts to 3 compacts with no more than 4 states. The section would further limit drivers operating under this pilot program from operating more than 100 miles from the border of their state of licensure.

This section would provide that participating states could limit the scope of the interstate compacts to drivers of a certain age, or restrict the travel area, or hours of service available to younger drivers. Such drivers would be prohibited from operating special vehicle configurations or from transporting hazardous materials. This section would further allow the Secretary to place safety limitations on drivers participating in such compacts. Interstate compacts agreed to under this section would be approved by the Governors of participating states, and the Secretary.

This section would further require the Secretary to report to Congress on the results of the pilot program with a recommendation on whether the interstate commercial driving regulations should be changed.

This section would further allow the Secretary to terminate the pilot program upon finding of safety issues.

Subtitle F—Motor Carrier Safety Grant Consolidation

Sec. 32501. Definitions.

This section would amend section 31101 of title 49, to define the Secretary as being the Secretary of Transportation.

Sec. 32502. Grants to States.

This section would consolidate grants to states for enforcement of commercial motor vehicle regulations and laws. This section would fund the grant programs from the Highway Trust Fund.

This section would combine the New Entrant Safety Audit program, the Safety Data Improvement Program, and the Border Enforcement Grant program into the Motor Carrier

Safety Assistance Program (MCSAP) formula funding. This consolidation will make state administration of applications easier.

This section would change the Federal share for all FMCSA grant awards to be at least 85%. This would decrease the State match for the MCSAP, currently at 20%. The current Border Enforcement and New Entrant Safety Audit grant programs require no match from the States, so the State match in support of these programs would be increased. This proposal would decrease the State match for the Commercial Vehicle Information Systems Network (CVISN) from 50%. It would increase the Commercial Driver License Program Implementation (CDLPI) and the CMV Operator Training match from 0% to 15%.

This section would provide States with the authority to submit multi-year plans, rather than annual plans to further reduce the administrative burden on states. This section would extend the period of performance for the grant programs as follows: MCSAP (award plus one); MCSAP High Priority activities related to motor carrier safety (award plus two); MCSAP High Priority Intelligent Transportation Deployment (award plus four); CDLPI (award plus four); CMV Operator Training (award plus one).

Sec. 32503. New Entrant Safety Review Program Study.

This section would require a study by the Inspector General on the effectiveness of the New Entrant Safety Review program. Following the completion of the report, this section further requires the Secretary to send to Congress any recommended changes to the program.

Sec. 32504. Performance and Registration Information Systems Management (PRISM).

This section amends the PRISM program to be funded through the MCSAP grant funding stream in Section 31104 of title 49, United States Code.

Sec. 32505. Authorization of Appropriations.

This section authorizes spending from the Highway Trust Fund for the administrative expenses of the FMCSA. The funding increases by CPI (i.e. 2.1 percent) each year.

Sec. 32506. Commercial Driver's License Program Implementation.

This section would amend the Commercial Driver's License Implementation Financial Assistance Program (CDLPI) to include cooperative agreements.

Sec. 32507. Extension of Federal motor carrier safety programs for fiscal year 2016.

This section would extend the current structure and funding levels for grant programs for one year because the proposed grant consolidation will not occur until fiscal year 2017.

Sec. 32508. Motor Carrier Safety Assistance Program Allocation.

This section establishes a MCSAP Allocation Formula Working Group that must begin work within 6 months of enactment and must complete recommendations within 1 year of working group formation. The working group must be 51 percent state personnel. It is exempt from the Federal Advisory Committee Act. The working group will provide a recommendation to the Secretary, and the final allocation formula will require a formal rulemaking.

This section establishes an interim formula calculation for MCSAP, calculated by utilizing the standard MCSAP formula plus the 2013, 2014, 2015 average awards for Border Enforcement Grant and New Entrant.

This section also provides immediate relief for withholding provisions to states currently subject to the withholding, and requires the Secretary to apply all future withholdings consistent with the new requirements of the Act.

Sec. 32509. Maintenance of Effort Calculation

This section would establish the maintenance of effort calculation to ensure that states are not required to spend significantly more to achieve the same enforcement goals and match Federal funds than they did under the previous grant program.

Subtitle G—Miscellaneous Provisions

Sec. 32601. Windshield Technology.

This section would allow for the voluntary mounting of safety technology on the windshield of a commercial motor vehicle.

Sec. 32602. Electronic Logging Devices Requirements.

This section would allow for the use of paper record of duty status records for the transport of tow away and recreational vehicles that would not require the use of electronic logging devices following delivery.

Sec. 32603. Lapse of Required Financial Security; Suspension of Registration.

This section would allow the Secretary to suspend, rather than revoke, registration in the event of the lapse of required financial security documents, allowing for the renewal of registration once appropriate documents were filed.

Sec. 32604. Access to National Driver Register.

This section provides the Administrator of the Federal Motor Carrier Administration with the authority to access the National Driver Register.

Sec. 32605. Study on Commercial Motor Vehicle Driver Commuting.

This section would direct the Secretary to study the impact of commuting time on commercial motor vehicle drivers, and report to Congress with findings.

Sec. 32606. Household Goods Consumer Education Working Group

This section would direct the Secretary to create a working group to determine if consumer protection materials provided during household goods moves could be streamlined.

Sec. 32607. Interstate Van Operations

This section clarifies MAP-21 intent that interstate vanpool operations are not subject to interstate van operations regulation.

Sec. 32608. Report on Design and Implementation of Wireless Roadside Inspection Systems.

This section would require a report from the Federal Motor Carrier Safety Administration with a review of the research work underway on Wireless Roadside Inspection Systems and their interface with commercial systems.

Sec. 32609. Motorcoach Hours of Service Study.

This section would require a study of motorcoach hours of service issues prior to a rulemaking on the issue.

Sec. 32610. GAO Review of School Bus Safety

This section would require a GAO review of a number of school bus safety issues.

Sec. 32611. Use of Hair Testing for Pre-Employment and Random Controlled Substance Tests.

This section would allow the use of hair testing for pre-employment and subsequent random screening for controlled substance use by commercial motor vehicle drivers.

This section would allow any commercial motor carrier to apply to the FMCSA for an exemption to allow the use of hair testing as an alternative to urinalysis for pre-employment and random drug testing. The carrier would have to demonstrate the ability to conduct hair testing consistent with industry standards for the purpose of detecting the use of controlled substances by commercial motor vehicle operators.

This section would require that when the FMCSA is evaluating an application for exemption it must ensure: a carrier is using practices that are similar to those used by other fleets that have used hair testing for more than one year; that the testing laboratory has received accreditation from an accrediting body compliant with international and Federal standards; and that the hair testing standards used have been approved by the Food and Drug Administration.

This section would further require that positive test results and test refusals would be submitted to a national clearinghouse.

This section would require the Secretary of Health and Human Services to issue scientific and technical guidelines for the use of hair testing for controlled substances. This section would further require the Secretary to consider how environmental exposure and use may be differentiated during testing.

This section would require the Secretary to submit an annual report to Congress which would include a summary of results of pre-employment and random drug screening using hair testing and urinalysis, a comparison of both methods, and a determination of which method would be the most accurate over time.

Title III—HAZARDOUS MATERIALS

Sec. 33101. Endorsements.

This section would allow the operation of vehicles providing fuel for agricultural operations to be exempt from the requirement to obtain a hazardous materials endorsement.

Sec. 33102. Enhanced Reporting.

This section would amend the requirement for the biennial report on the transportation of hazardous materials to require the Pipeline and Hazardous Materials Safety Administration to post it on its public website, instead of transmitting it to Congress.

Sec. 33103. Hazardous Material Information.

This section would require the Secretary of Transportation to amend railroad accident and incident reporting to track additional information related to crude oil and ethanol accidents and incidents. This section also would require the Secretary to increase the accuracy, consistency, and connectivity of overlapping databases tracking rail accidents or incidents involving the release of hazardous materials, and this section would require an evaluation of such database issues by the Department of Transportation Inspector General.

Sec. 33104. National Emergency and Disaster Response.

This section would allow the Secretary of Transportation, in consultation with the Secretary of Homeland Security, to prescribe standards to facilitate the safe movement of hazardous materials into, from, and within a federally declared disaster area or a national emergency area.

Sec. 33105. Authorization of Appropriations.

This section would authorize appropriations for fiscal years 2016 through 2021 to carry out Chapter 51 of title 49. The authorization amounts would increase each fiscal year. This section also would authorize the Secretary to expend certain amounts from the Hazardous Materials Emergency Preparedness Fund.

TITLE IV—HIGHWAY AND MOTOR VEHICLE SAFETY

Subtitle A—Highway Traffic Safety

Part I—Highway Safety

Sec. 34101. Authorization of Appropriations.

This section would authorize amounts, from the Highway Trust Fund (other than the Mass Transit Account), for the National Highway Traffic Safety Administration (NHTSA) highway safety programs for fiscal years 2016 through 2021. The aggregate authorization amounts under this section would increase by 2.1 percent each fiscal year. However, a larger percentage increase in authorization amounts each fiscal year would be provided to Highway Safety Programs (23 U.S.C. 402 or “402 grants”) compared to National Priority Safety Programs (23 U.S.C. 405 or “405 grants”). This section would further provide grant matching requirements and require the Secretary to establish a single deadline for grant applications. Finally, this section would amend the current transfer authority to require the Secretary to reallocate any unused 405 grant amounts to increase the amounts under 402 grants, which generally provide states with greater flexibility.

Sec. 34102. Highway Safety Programs.

This section would strike the current prohibition on using 402 grant funds for research and development purposes, while maintaining the prohibition on using funds for highway construction activities. This section would clarify that a state may provide 402 and 405 grant funds to Indian tribal governments. This section would also require the Secretary to develop a grant tracking process to identify and mitigate possible systemic issues with grant management. Finally, this section would amend the existing maintenance of effort requirement for receiving funds for certain 405 grants to reduce the administrative burden on states.

Sec. 34103. Grants for Alcohol Ignition Interlock Laws and 24-7 Sobriety Programs.

This section would continue the grants for states with mandatory alcohol-ignition interlock laws and direct a new grant for states that provide 24/7 sobriety programs. It would also provide that states with interlock laws that include exceptions for individuals required to operate an employer’s motor vehicle in the course and scope of employment and individuals certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device, would still be eligible for a grant. The section would also direct that not more than 12 percent of the funds available under the impaired driving grants be available for grants to states with alcohol-ignition interlock laws and not more than 3 percent of the funds be available for grants to states with a 24-7 sobriety program. The section would also amend the definition of 24-7 sobriety program.

Sec. 34104. Repeat Offender Criteria

This section would modify the definition of “repeat intoxicated driver law” in 23 U.S.C. 164 to update the criteria for a state law, combination of laws or programs for minimum penalties for individuals convicted of a second or subsequent offense for driving while intoxicated or driving under the influence. The state would meet the criteria by providing a 24-7 program as an alternative to an ignition interlock or suspension of all driving privileges for one year and would allow a state to certify that individuals will be incarcerated. This section would allow states to provide exceptions to ignition interlock laws for individuals required to operate an employer’s

motor vehicle in the course and scope of employment and individuals certified by a medical doctor as being unable to provide a deep lung breath sample for analysis by an ignition interlock device.

Sec. 34105. Study on the National Roadside Survey of Alcohol and Drug Use by Drivers.

This section would require that the Secretary review and report on NHTSA’s implementation of any recommendations provided by the Government Accountability Office’s review of the National Roadside Survey of Alcohol and Drug Use.

Sec. 34106. Increasing Public Awareness of the Dangers of Drug-Impaired Driving.

This section would require that NHTSA, in consultation with the White House Office of National Drug Control Policy, the Secretary of Health and Human Services, State highway safety offices, and other interested parties, identify, carry out, and report on actions to assist States in their efforts to increase public awareness of the dangers of drug-impaired driving, including dangers of heroin and prescribed opioids.

Sec. 34107. Improvement of Data Collection on Child Occupants in Vehicle Crashes.

This section would require that NHTSA’s crash investigation data collection system includes the types of child restraint systems in use during crashes. Additionally, the section would require the Secretary submit a report on the collection of this information.

Part II—Stop Motorcycle Checkpoint Funding Act

Sec. 34121. Short Title.

This section would provide that this part may be cited as the “Stop Motorcycle Checkpoint Funding Act.”

Sec. 34122. Grant Restriction.

This section would prohibit grants or any Federal funds to be provided for any program to check motorcycle helmet usage or to create checkpoints that specifically target motorcycle drivers or passengers.

Part III—Improving Driver Safety Act of 2015

Sec. 34131. Short Title.

This section would provide that this part may be cited as the “Improving Driver Safety Act of 2015.”

Sec. 34132. Distracted Driving Incentive Grants.

This section would amend the current distracted driving grant to require that states include distracted driving issues as part of the state’s driver’s license exam, establish minimum fines for violations of the statute, impose additional restrictions on drivers under the age of 18, as well as

prohibit states from providing exceptions to distracted driving laws that allow drivers to text while stopped in traffic in order to qualify for a grant.

For fiscal year 2017, this section would require the Secretary to provide up to 50 percent of the grant amount available under the distracted driving grants to states that certify that they have enacted basic text messaging statutes that are applicable to drivers of all ages, and make violation of the statute a primary offense or a secondary enforcement action. For fiscal year 2018, this section would require the Secretary to provide up to 50 percent of the grant amounts to states that continue to meet the requirements for eligibility in fiscal years 2017, and also impose fines for repeat violations and have a statute that prohibits drivers younger than 18 from using a personal wireless communications device while driving. This section would also allow states to use funds received for activities related to enforcement of distracted driving laws and for public information and awareness purposes. It also would allow states to use up to 15 percent of the amounts they receive in fiscal year 2017 for any eligible project or activity under section 402. For fiscal year 2018, this section would allow States to use up to 25 percent of the amounts they receive for any eligible project or activity under section 402.

Sec. 34133. Barriers to Data Collection Report.

This section would require NHTSA to submit a report to Congress identifying barriers to capturing adequate data on the prevalence of wireless communications use while driving and provides recommendations on how to address these barriers.

Sec. 34134. Minimum Requirements for State Graduated Driver Licensing Incentive Grant Program.

This section would amend the current state graduated driver licensing grant program by revising the grant criteria to include states with laws requiring novice drivers younger than 18 years of age (currently younger than 21) to comply with a 2-stage licensing process before receiving an unrestricted driver's license. The section also would define the 2-stage licensing process to include states with a learner's permit stage lasting at least 6 months, additional restrictions on driving hours, passenger restrictions, and prohibits the driver using a personal wireless communication device while driving.

Part IV—Technical and Conforming Amendments

Sec. 34141. Technical Corrections to the Motor Vehicle and Highway Safety Improvement Act of 2012.

This section would provide technical and conforming amendments to the Motor Vehicle and Highway Safety Improvement Act of 2012.

Subtitle B—Vehicle Safety

Sec. 34201. Authorization of Appropriations.

This section would establish authorization amounts to carry out the vehicle safety provisions (chapter 301 of title 49, and part C of subtitle VI of title 59, United States Code) for fiscal years

2016 through 2021. Authorization amounts would be increased at 2.1 percent each fiscal year. In addition to the amounts authorized, additional amounts totaling GROW AMERICA levels are authorized if the Secretary certifies that the agency has implemented all of the recommendations in the Inspector General's June 18, 2015 audit report on defect identification efforts. As part of the certification, this section would also direct that the Secretary review NHTSA's actions to implement the recommendations and issue a report to Congress detailing how the recommendations were implemented.

Sec. 34202. Inspector General Recommendations.

This section would require the Department of Transportation Inspector General to report to the appropriate congressional committees not later than 90 days after enactment on whether and what progress NHTSA has made to implement the recommendations in the Inspector General's June 18, 2015 audit report on NHTSA's vehicle defect identification efforts. It would also require NHTSA to provide periodic briefings to the appropriate congressional committees on the actions it has taken to implement the recommendations in the audit report and to provide a plan for implementing any remaining recommendations. NHTSA would also be required to submit a final report 1 year after enactment on the implementation of all of the recommendations in the audit.

Sec. 34203. Improvements to the Availability of Recall Information.

This section would require the Secretary to improve the organization, availability, and readability of the website that provides consumers with safety recall information, and ensure that it can accommodate high traffic volume and improve public awareness of safety recall information.

The section would also require the Secretary to provide guidance to consumers submitting safety complaints. This section would require the Comptroller General to study and report upon the current use of safety recall information by consumers, dealers, and manufacturers, including the usability and content of websites. Finally, this section would require the Secretary, in coordination with industry to study the feasibility of searching multiple vehicle identification numbers at a time to retrieve motor vehicle safety recall information, the feasibility of making such a search and retrieval mechanism publically available, taking into account the potential costs and risks to privacy and security.

Sec. 34204. Recall Process.

This section would require the Secretary to prescribe a final rule revising the regulations for notifying consumers of a recall to include notification by electronic means in addition to notification by first class mail, and would allow manufacturers to provide the required notice to the Secretary about defects and noncompliance by electronic mail. It would also require the Secretary to provide reports to relevant committees on an analysis of vehicle safety recall completion rates and potential actions NHTSA could take to improve these rates. This section would further require the Department of Transportation Inspector General to conduct an audit of NHTSA's management of vehicle safety recalls.

Sec. 34205. Pilot Grant Program for State Notification to Consumers of Motor Vehicle Recall Status.

This section would require the Secretary to conduct a 2-year state grant pilot for a state process to inform consumers of open motor vehicle recalls at the time of motor vehicle registration. Participation in the pilot program would be available to up to 6 states that meet eligibility requirements. The section would require that each State provide a performance report and would require the Secretary to complete an evaluation of the pilot program.

Sec. 34206. Recall Obligations Under Bankruptcy.

This section would amend the current recall obligations under bankruptcy to include manufacturers undergoing Chapter 7 bankruptcy proceedings (liquidation).

Sec. 34207. Dealer Requirement to Check for Open Recall.

This section would condition a manufacturer's current statutory obligation to provide reimbursement to a dealer for remedying a defect on the dealer notifying the owner or the individual requesting service of any open recalls at the time of service, and the obligation to notify is specified in its franchise, operating, or other agreement.

Sec. 34208. Extension of Time Period for Remedy of Tire Defects.

This section would increase the length of time consumers have to seek a free remedy for tire recalls from 60 days to 180 days after receiving notification of the recall.

Sec. 34209. Rental Car Safety.

This section would be cited as the "Raechel and Jacqueline Houck Safe Rental Car Act of 2015." It would prohibit rental companies that have received the manufacturer's notification of a defect or noncompliance under recall from renting or selling a vehicle, unless the defect or noncompliance is remedied. Rental companies would be required to comply with specified limitations on sale, lease, or rental of a motor vehicle as soon as practicable, but within 24 hours after the earliest receipt of the recall notice, and within 48 hours if the notification covers more than 5,000 vehicles in the company's fleet. If the recall notice indicates an interim remedy, the rental company may rent (but may not sell or lease) the vehicle after performing the remedy. This section would make these rules inapplicable to junk automobiles. The section would further add rental companies to those subject to the Secretary's inspection authority and prohibitions on knowingly making inoperable any safety devices. The section would further clarify that the amendments would not be construed to create or increase any loss of use liability for a manufacturer as a result of having manufactured or imported a motor vehicle under recall. Not later than one year after the enactment of this Act, the Secretary would be required to submit a report on the effectiveness of the amendments of this section as well as any recommendations on legislation. This section would also allow the Secretary to promulgate rules, as appropriate, to implement this section and amendments made by this section. This section would require that its provisions take effect 180 days after the date of enactment of this Act.

Sec. 34210. Increase in Civil Penalties for Violations of Motor Vehicle Safety.

This section would double the penalty amounts for failing to comply with a motor vehicle safety standard or reporting requirement for each violation to \$14,000 and the cap for a related series of

violations to \$70 million. This amendment would take effect once NHTSA issues its rule on penalty amount factors, as required under MAP-21 (49 U.S.C. 30165 note). The Secretary would also be required to publish notice of the effective date in the Federal Register.

Sec. 34211. Electronic Odometer Disclosure.

This section would temporarily permit a State, at any time and without the need for approval from the Secretary, to provide electronically written odometers disclosures, notices and related matters in conformity with certain requirements. Once NHTSA promulgates the rules required under MAP-21 (49 U.S.C. 32705), the State must follow that rule.

Sec. 34212. Corporate Responsibility for NHTSA Reports.

This section would amend 49 U.S.C. 30166 to require that the Secretary promulgate rules no later than 1 year after enactment requiring a senior official responsible for safety in any company submitting information to the Secretary in response to a request for information in a safety defect or compliance investigation to certify that the submission does not contain untrue statements or omit material facts.

Sec. 34213. Direct Vehicle Notification of Recalls.

This section would require that not later than 1 year after the enactment of this Act the Secretary issue a report on the feasibility of a technical system that would operate in each new motor vehicle to indicate when the vehicle is subject to an open recall.

Sec. 34214. Unattended Children Warning.

This section would require that the Secretary undertake research authorized under MAP-21 (49 U.S.C. 30111 note) to minimize the risk of hyperthermia or hypothermia to children or other unattended passengers. Such research may include the potential viability of vehicle technology to provide an alert of unattended children or public awareness campaigns.

Sec. 34215. Tire Pressure Monitoring System.

This section would require that the Secretary publish a proposed rule within a year after enactment of this Act updating the standards pertaining to tire pressure monitoring systems to ensure that a tire pressure system cannot be overridden, reset, or calibrated to an unsafe pressure level. This section would also require that a final rule is published by the Secretary not later than two years after the enactment of this Act.

Subtitle C—Research and Development and Vehicle Electronics

Sec. 34301. Report on Operations of the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies.

This section would require the Secretary to submit a report on the operations of the Council for Vehicle Electronics, Vehicle Software, and Emerging Technologies to relevant committees within 1 year of enactment.

Sec. 34302. Cooperation with Foreign Governments.

This section would authorize the Secretary to enter into cooperative agreements and collaborative research and development agreements with foreign governments in coordination with the Department of State. It would also require the Department of Transportation Inspector General to conduct an audit of the Secretary's management and oversight of cooperative agreements and collaborative research and development agreements.

Subtitle D—Miscellaneous Provisions

Part I—Driver Privacy Act of 2015

Sec. 34401. Short Title.

This section would provide that this part may be cited as the “Driver Privacy Act of 2015”.

Sec. 34402. Limitations on Data Retrieval from Vehicle Event Data Recorders.

This section would make any data retained by a vehicle event data recorder the property of the owner or lessee of the motor vehicle in which it is installed. The section would also prohibit data recorded or transmitted by the event data recorder from being accessed by a person other than the owner or lessee of the motor vehicle in which the event data recorder is installed. It would provide certain limited exceptions to allow the data to be accessed: pursuant to a court order; with the consent of the data owner (including by agreeing to a subscription); pursuant to an investigation or inspection, if the personally identifiable information of the owner or lessee is not disclosed; for emergency medical response; or research, provided that the personally identifiable information of an owner or lessee and the vehicle identification number is not disclosed.

Sec. 34403. Vehicle Event Data Recorder Study.

This section would require NHTSA, within 1 year of the date of enactment, to submit to

Congress a report containing the results of a study to determine the amount of time event data recorders installed in passenger motor vehicles should capture and record vehicle-related data in order to provide sufficient information to investigate the cause of motor vehicle crashes.

This section would also require the Administrator to promulgate regulations establishing the appropriate period during which passenger motor vehicle event data recorders may capture and record for retrieval vehicle-related data in order to provide accident investigators with pertinent crash information.

Part II—Safety Through Informed Consumers Act of 2015

Sec. 34421. Short Title.

This section would provide that this part may be cited as the “Safety Through Informed Consumers Act of 2015”.

Sec. 34422. Passenger Motor Vehicle Information.

This section would require the Secretary to ensure crash avoidance information is indicated next to crashworthiness information on stickers placed on motor vehicles by their manufacturers. This section would require the Secretary to complete a rulemaking on this requirement not later than one year after the date of enactment.

Part III—Tire Efficiency, Safety, and Registration Act of 2015

Sec. 34431. Short Title.

This section would provide that this part may be cited as the “Tire Efficiency, Safety, and Registration Act of 2015” or the “TESR Act.”

Sec. 34432. Tire Fuel Efficiency Minimum Performance Standards.

This section would amend Section 32304A of title 49 to require the Secretary to promulgate regulations for tire fuel efficiency minimum performance standards and tire wet traction minimum performance standards for new pneumatic tires for use on passenger cars. These regulations would not apply to light truck tires, deep tread tires, winter-type snow tires, space saver or temporary use spare tires, or tires with nominal rim diameters of 12 inches or less. This section would also require the Secretary to ensure that the test procedures and requirements promulgated under these rulemakings are compatible and consistent, as well as to evaluate the regulations to ensure that compliance with tire fuel efficiency minimum performance standards not diminish wet traction performance of affected tires. This section would establish rulemaking deadlines of not later than 24 months after the date of enactment of this Act, and would require that the tire fuel efficiency minimum performance standards rulemaking be completed not later than the tire wet traction minimum performance standards rulemaking.

Sec. 34433. Tire Registration by Independent Sellers.

This section would require that the Secretary initiate a rulemaking to require independent tire sellers to maintain records of the name and address of tire purchasers and lessors and information identifying the tire that was purchased or leased, and any additional records the Secretary considers appropriate. Pursuant to this rulemaking, independent sellers would be required to electronically transmit these records to the tire manufacturer (or designee) by secure means at no cost to tire purchasers or lessors.

Sec. 34434. Tire Recall Database.

This section would require the Secretary to establish a publicly available and searchable electronic database of tire recall information that is reported to NHTSA. This section would require this database to be searchable by Tire Identification Number and any other criteria that assists consumers in determining whether a tire is subject to a recall.

TITLE V—RAILROAD REFORM, ENHANCEMENT, AND EFFICIENCY

Sec. 35001. Short Title.

This section would name the title the “Railroad Reform, Enhancement, and Efficiency Act.”

Sec. 35002. Passenger Transportation; Definitions.

This section would provide definitions for the terms “long-distance route,” “state-of-good-repair,” and “State-supported route.” This section would amend existing definitions for the terms “national rail passenger transportation system” and “Northeast Corridor.”

Subtitle A—Authorization of Appropriations

Sec. 35101. Authorization of Grants to Amtrak.

This section would authorize appropriations to the Secretary for grants to Amtrak for fiscal years 2016 through 2019. It would consolidate previous authorizations for capital, operating, and debt service grants into one authorization to be allocated by business line in accordance with a grant agreement between the Secretary and Amtrak.

This section would allow the Secretary to withhold from amounts made available for grants to Amtrak certain amounts required for: Amtrak oversight; implementation of the competition pilot program; support for the State-Supported Route Committee; and support for the Northeast Corridor Commission.

Sec. 35102. National Infrastructure and Safety Investments.

This section would authorize appropriations to the Secretary for competitive grants under chapter 244 programs for fiscal years 2016 through 2019. This section would allow the Secretary to withhold up to one percent for oversight.

Sec. 35103. Authorization of Appropriations for National Transportation Safety Board Rail Investigations.

This section would authorize appropriations to the National Transportation Safety Board for personnel needed to carry out railroad accident investigations.

Sec. 35104. Authorization of Appropriations for Amtrak Office of Inspector General.

This section would authorize appropriations for fiscal years 2016 to 2019.

Sec. 35105. National Cooperative Rail Research Program.

This section would allocate amounts appropriated for railroad research and development to carry out the National Cooperative Rail Research Program, an independent research program within the National Academy of Sciences’ Transportation Research Board.

Subtitle B—Amtrak Reform

Sec. 35201. Amtrak Grant Process.

This section would require Amtrak to establish and maintain internal controls to ensure its costs and revenues are proportionately allocated to Northeast Corridor train services or infrastructure, State-supported routes, long-distance routes, and other national network activities.

This section would require the Secretary to establish a grant process for administering Amtrak's appropriated funds, would establish requirements for the content of Amtrak's grant requests, and would establish a schedule for grant disbursements.

This section would require Amtrak to establish accounts for Northeast train services and infrastructure, State-supported routes, long-distance routes, and other national network activities. This section would specify the sources and uses of funding for each account, which would be determined by the grant agreement and enforced by the Secretary.

This section would allow Amtrak to transfer funding between newly-established accounts subject to providing its Board of Directors 10 days advance notice and subject to the Secretary's approval. This section would require Amtrak to notify Congress and any affected States or the Northeast Corridor Commission of such transfers.

This section would authorize the Secretary to issue a letter of intent to Amtrak, with prior notice to Congress, announcing an intention to obligate amounts for major capital projects, subject to the availability of appropriations, from future budget authority.

Sec. 35202. Five-Year Business Line and Asset Plans.

This section would require that Amtrak submit five-year business line and capital asset plans to the Secretary and Congress. It would require those plans to be based on actual funding levels authorized or appropriated. This section would specify the content of and process for developing business line and capital asset plans.

This section would require the Secretary to evaluate the costs and scope of Amtrak's national assets and restructure or reallocate such costs to its business lines. This section would require the Secretary to review existing Amtrak reporting requirements and identify any that are duplicative with the planning requirements of this section.

Sec. 35203. State-Supported Route Committee.

This section would require the Secretary to establish a State-Supported Route Committee to make decisions on common issues affecting States that contract with Amtrak for State-supported routes. This section would require the establishment of a bloc voting system to govern the Committee's proceedings.

This section would maintain the same cost allocation principles as Section 209 of the Passenger Rail Investment and Improvement Act of 2008, and it would require Amtrak to provide monthly

invoices and financial and performance reports to States. This section would provide for a dispute resolution process.

Sec. 35204. Route and Service Planning Decisions.

This section would require Amtrak to obtain the services of an independent entity to develop and recommend objective methodologies for Amtrak to analyze routes, service frequencies, and other service issues. This section would require the Amtrak Board of Directors to consider the entity's recommendations and report to Congress on the reasons for adopting or not adopting the recommendations.

Sec. 35205. Competition.

This section would require the Secretary to implement a pilot program for the competitive selection of rail operators on up to three long-distance routes. This section would allow certain entities to petition the Secretary for the right and obligation to provide intercity passenger rail service on a route in lieu of Amtrak. This section would require an eligible entity to have the consent of any State that funds the route.

This section would require the Secretary to award a winning bidder, if such bidder is not Amtrak, an operating subsidy not to exceed 90 percent of the level in effect for that route during the previous fiscal year. The subsidy would be taken from appropriations made available for grants to Amtrak and withheld under Section 101.

This section would require any winning bidder that is not Amtrak to meet certain performance standards and negotiate an access agreement with any affected host railroad. This section would provide that employees used by a rail passenger carrier in the operation of a route under the pilot program shall be subject to applicable Federal laws and regulations that govern similar crafts or classes of Amtrak employees, and it would require a winning bidder other than Amtrak to provide hiring preference to any displaced Amtrak workers.

This section would establish a dispute resolution process for the use of common facilities owned by Amtrak. This section would require the Secretary to provide monthly reports to Congress if the pilot program is not implemented within the required timeframe.

Sec. 35206. Rolling Stock Purchases.

This section would require Amtrak to submit a business case analysis to Congress for future equipment purchases in excess of \$100,000,000.

Sec. 35207. Food and Beverage Policy.

This section would require that Amtrak implement a plan to eliminate the operating losses associated with food and beverage service on-board Amtrak trains. This section would prohibit Federal funding for food and beverage operating losses after four years from the date of enactment. This section would require Amtrak to submit an annual report to Congress on the progress toward eliminating food and beverage service losses.

Sec. 35208. Local Products and Promotional Events.

This section would require Amtrak to establish a pilot program that would allow a State that sponsors State-supported routes to facilitate the purchase and sale of local food and beverages on Amtrak trains, and to hold promotional events on trains or in stations. This section would require Amtrak to report to Congress on the outcomes of these pilot programs.

Sec. 35209. Right-of-Way Leveraging.

This section would require Amtrak to issue a Request for Proposals seeking qualified persons to utilize Amtrak-owned right-of-way and real estate for telecommunications systems, energy distribution systems, and other appropriate activities. This section would require that proposals provide information on the ways in which the assets will be monetized through revenue sharing or leasing agreements with Amtrak. This section would require Amtrak to review the proposals and report to Congress on the proposals received and accepted.

Sec. 35210. Station Development.

This section would require Amtrak to transmit a report to Congress on options to enhance economic development and accessibility at stations, including options for additional Amtrak stops that would have a positive financial impact to Amtrak. This section would require Amtrak to issue a Request for Information from owners of stations served by Amtrak to express an interest in developing stations. This section would require Amtrak to issue a Request for Proposals seeking qualified persons, including small businesses, to lead or partner with Amtrak or a station owner in enhancing development in and around stations and terminals. It would require Amtrak to review proposals and report to Congress on the proposals received and accepted.

Sec. 35211. Amtrak Debt.

This action would allow the Secretary of Treasury, in consultation with the Secretary of Transportation and Amtrak, to restructure and repay Amtrak debt if the terms are favorable to the Federal government and if repayment amounts are provided in advance in appropriations Acts.

This section would eliminate the requirement for Amtrak to seek the Secretary's permission to apply for direct loans or loan guarantees from the Transportation Infrastructure Finance and Innovation Act (TIFIA) or Railroad Rehabilitation and Improvement Financing (RRIF) programs.

Sec. 35212. Amtrak Pilot Program for Passengers Transporting Domesticated Cats and Dogs.

This section would require Amtrak to develop a pilot program that would allow a ticketed passenger to transport a domesticated cat or dog in the same manner as carry-on baggage or cargo, depending on the size of the pet kennel and other characteristics of the rail cars, on certain services operated by Amtrak.

This section would require Amtrak to collect fees for each cat or dog that, in the aggregate and at a minimum, cover the full costs of the pilot program. This section would clarify that the limitations of the pilot program do not apply to service animals. This section would require Amtrak to transmit a report to Congress containing an evaluation of the pilot program.

Sec. 35213. Amtrak Board of Directors.

This section would amend the Amtrak Board of Directors statute to specify that the current requirement for adequate and balanced geographic representation among the seven individuals appointed by the President means: (1) two individuals representing the Northeast Corridor; (2) four individuals from regions of the country not represented by the Northeast Corridor, with two individuals representing long-distance routes and two individuals representing State-supported routes; and (3) one individual representing any of the three business lines.

This section would clarify that not more than four of the seven appointed individuals may be members of the same political party.

Sec. 35214. Amtrak Boarding Procedures.

This section would require the Amtrak Office of Inspector General to evaluate Amtrak's boarding procedures and to make recommendations to Amtrak.

Subtitle C—Intercity Passenger Rail Policy

Sec. 35301. Competitive Operating Grants.

This section would require the Secretary to implement a competitive grant program for issuing three-year operating assistance grants for the purpose of initiating or restoring intercity rail passenger transportation. This section would allow eligible applicants to include States, an Interstate Compact, other public entities, Amtrak in cooperation with one or more States, other intercity passenger rail operators in cooperation with one or more States, or any combination of these entities. It specifies the minimum contents of the grant application, including a sustainable funding plan and the status of agreements with the owners of underlying track, and would set the priorities of the program.

This section would limit operating assistance grants to 80 percent of projected net operating costs in the first year of service, 40 percent of projected net operating costs in the second year of service, and 20 percent of projected net operating costs in the third year of service. It would prohibit the renewal of grants beyond the initial three-year grant, and it limits the program to six grants at any one time. It would clarify that operating assistance grantees are not prohibited from receiving capital grants. It would require the Secretary to set data and information requirements for grantees similar to those requirements for Amtrak. For service providers other than Amtrak, it would set a coordination and dispute resolution process similar to that for the competition pilot program.

This section would amend existing chapter 244 to facilitate efficient incorporation of this program and other programs into the chapter. It changes the title and table of contents of the chapter and would clarify that the special transportation circumstances exception applies to all

funds authorized under chapter 244. It would maintain all grant conditions pertaining to labor laws and the displacement of workers. It would clarify the meaning of replacement service.

Sec. 35302. Federal-State Partnership for State of Good Repair.

This section would require the Secretary to implement a competitive grant program to finance capital projects for the purpose of reducing the state-of-good-repair backlog on qualified railroad assets. This section would allow eligible applicants to include States, an Interstate Compact, other public entities, Amtrak, intercity or commuter passenger rail operators in cooperation with one or more States, or any combination of these entities.

The section would specify that a qualified railroad asset means infrastructure, equipment, or a facility that is owned by an eligible applicant and that is not in a state-of-good-repair as of the date of enactment. It would set project selection criteria and gives preference to projects that have a 50 percent non-Federal match and that are consistent with regional planning documents. This section would limit the Federal share of total project costs to 80 percent.

This section would require applicants for projects on the Northeast Corridor to be compliant with the cost allocation policy required in Section 212 of the Passenger Rail Investment and Improvement Act of 2008, and it would require the Secretary to consider the phasing and sequencing of projects contained in the Northeast Corridor capital investment plan when selecting Northeast Corridor projects. This section would authorize the Secretary to issue a letter of intent to a grantee, with prior notice to Congress, announcing an intention to obligate amounts for major capital projects, subject to the availability of appropriations, from future budget authority.

Sec. 35303. Large Capital Project Requirements.

This section would prohibit the Secretary from obligating grants for capital projects exceeding \$1,000,000,000 unless the applicant has committed and will be able to fulfill the non-Federal share required for the grant within the applicant's proposed project completion timetable. This section would prohibit the Secretary from obligating funding after project completion unless the applicant shows a sustainable financial plan, proves that the project will have operational independence, and details the benefits of the project. It would require the applicant to refund the Federal contribution if the project does not produce the stated benefits for a period of at least 20 years.

Sec. 35304. Small Business Participation Study.

This section would require the Secretary, within two years, to conduct a nationwide disparity and availability study on the use of small business concerns, owned by veterans or socially and economically disadvantaged individuals, in publicly funded intercity rail passenger projects.

Sec. 35305. Gulf Coast Rail Service Working Group.

This section would require the Secretary, within 90 days, to convene a working group to evaluate the restoration of intercity rail passenger service in the Gulf Coast region between New Orleans, Louisiana, and Orlando, Florida. It would set a working group membership and responsibilities,

and it would require the working group to report findings, including the preferred option for restoring service on this route, to Congress within nine months.

Sec. 35306. Integrated Passenger Rail Working Group.

This section would require the Secretary, within 180 days, to convene a working group to evaluate the potential operation of State-supported routes by rail passenger carriers other than Amtrak and their role in establishing an integrated intercity passenger rail network in the United States. It would set working group membership and responsibilities, would require at least three meetings per year, and would require reports on administrative and legislative recommendations.

Sec. 35307. Shared-Use Study.

The section would require the Secretary to conduct a study, in consultation with the appropriate stakeholders, including States, to evaluate the shared use of right-of-way by passenger and freight rail systems and the operational, institutional, and legal structures that would best support improvements to both of these systems. The section would set specific areas of study, including access costs, performance standards, and liability issues. It would require the Secretary, within three years, to submit recommendations to Congress based on the study, and it would require the Secretary to integrate the recommendations into FRA financial assistance programs.

Sec. 35308. Northeast Corridor Commission.

This section would specify that Commission members representing the Department of Transportation should include the Office of the Secretary, the Federal Railroad Administration, and the Federal Transit Administration. This section would add commuter railroads as non-voting members. This section would require the Commission to elect co-chairs representing the Department of Transportation and the States.

This section would require the Commission to transmit to Congress any updates to its statement of goals, annual performance reports, and recommendations for improvements in rail operations and capital project delivery.

This section would require the Commission to develop a proposed timetable for implementing the cost allocation policy required under Section 212 of the Passenger Rail Investment and Improvement Act of 2008, and to adopt and implement the policy accordingly.

This section would establish a dispute resolution process at the Surface Transportation Board, which has enforcement authority.

This section would require the Commission, not later than May 1 of each year, to develop a five-year Northeast Corridor capital investment plan. It would set the minimum contents of the plan, including the identification and prioritization of projects, a financial plan, and required consultation with stakeholders. The section also would require entities that own Northeast Corridor infrastructure to submit to the Commission and biennially update asset management plans.

Sec. 35309. Northeast Corridor Through-Ticketing and Procurement Efficiencies.

This section would require the Northeast Corridor Commission, within three years, to complete a study, in consultation with Amtrak and commuter rail passenger carriers along the Northeast Corridor, on the feasibility of and options for permitting through-ticketing between Amtrak service and commuter rail services on the Northeast Corridor.

This section would require the Secretary, within three years, to complete a study, in cooperation with the Northeast Corridor Commission, Amtrak, and commuter rail passenger transportation authorities on the Northeast Corridor, of the potential benefits resulting from Amtrak and such authorities undertaking select joint procurements for common materials, assets, and equipment when expending Federal funds for such purchases.

Sec. 35310. Data and Analysis.

This section would require the Secretary, within three years, to conduct a data-needs assessment, in consultation with States and other stakeholders, to support cost-effective modeling and analysis for intercity passenger rail development programs.

This section would require the Secretary, within six months, to enhance the usefulness of benefit-cost analyses, including through the provision of guidance and training. It would allow the Secretary to protect confidential data associated with these requirements.

Sec. 35311. Performance-Based Proposals.

This section would require the Secretary to issue a request for proposals for the financing, design, construction, operation, and maintenance of intercity passenger rail systems in certain corridors. The section would require the proposals be designed to achieve a reduction of existing minimum intercity rail service trip times between main corridor city pairs by a minimum of 25 percent. This section would set other contents for the proposals.

This section would require the Secretary to determine if any proposals are credible and cost-effective, and to setup a commission to consider each credible and cost-effective proposal. This section would set commission membership and evaluation criteria. This section would set the process by which the Secretary shall consider and select proposals recommended by each commission.

This section would prohibit any Federal agency from taking any action to implement or otherwise act upon any proposal without explicit statutory authority enacted after the date of enactment of this Act.

Sec. 35312. Amtrak Inspector General.

This section would provide the Amtrak Inspector General with the same legal authority as other Inspectors General in prosecuting false claims and other violations of Federal law. This section would require the Amtrak Inspector General to evaluate whether current Amtrak expenditures or procurements involving fulfillment of the Americans with Disabilities Act of 1990 utilize

competitive, market-driven provisions that are applicable throughout the entire term of such related expenditures or procurements.

Sec. 35313. Miscellaneous Provisions.

This section would amend state rail planning requirements to require resubmission to the Secretary every 4 years. This section would strike the requirement that a state rail plan include a statement that the State is in compliance with the requirements for the Local Rail Freight Assistance program. This section would increase from \$1,000,000 to \$5,000,000 the cost threshold at which Amtrak domestic buying preferences apply.

This section would make various technical corrections. This section would add nonprofit organizations representing employees who perform overhaul and maintenance of passenger railroad equipment to the Next Generation Corridor Equipment Pool Committee.

Subtitle D—Rail safety

Part I—Safety Improvement

Sec. 35401. Highway-rail Grade Crossing Safety.

This section would require the Secretary, within one year, to develop a model highway rail grade crossing action plan and distribute the model plan to every State. This section would require the model plan to include best practices for education, engineering, and enforcement, a customized data set of the highway-rail grade crossing accidents or incidents in each State, and methodologies for evaluating risk.

The section would require the Secretary, within 18 months of issuing the model action plans, to issue a rule requiring States to implement or update a grade crossing action plan. This section would require the plan to identify high-risk crossings, identify strategies for improving safety, and designate an official responsible for managing the plan. The section would provide for an approval process and would allow the Secretary to condition chapter 244 grants on the submission of an acceptable plan.

Sec. 35402. Speed Limit Action Plans.

This section would require each intercity or commuter rail passenger carrier, in consultation with any applicable host railroad carrier, to survey its entire system and identify certain locations at high risk of over-speed derailment and develop action plans to mitigate that risk. This section would require the carrier to consider automatic train control modifications and other risk mitigation practices such as increased crew communication.

This section would require the action plan to contain milestones and target dates for implementing each appropriate action. This section would require the Secretary to approve, approve with conditions, or disapprove each action plan. This section would also allow the Secretary to exempt a railroad carrier if the carrier has implemented positive train control or a technology or practice that would achieve an equivalent or greater level of safety.

Sec. 35403. Signage.

This section would require the Secretary to promulgate the necessary regulations to require each intercity or commuter rail passenger carrier, in consultation with any applicable host railroad carrier, to install signs to warn train crews before a train approaches a location the Secretary identifies as having a high risk of over-speed derailment. This section would also allow the Secretary to exempt a railroad carrier if the carrier has implemented positive train control or a technology or practice that would achieve an equivalent or greater level of safety.

Sec. 35404. Alerters.

This section would require a working alerter in the controlling locomotive of each passenger train in intercity rail passenger transportation or commuter rail passenger transportation. This section would allow the Secretary to require or allow a different practice or technology, rather than alerters, upon determining such practice or technology would achieve an equivalent or greater level of safety in enhancing or ensuring appropriate locomotive control.

Sec. 35405. Signal Protection.

This section would require the Secretary to promulgate such regulations as the Secretary considers necessary to require that on-track safety programs, whenever practicable, include requirements for redundant signal protection, such as shunting, or other practices and technologies that achieve an equivalent or greater level of safety for maintenance-of-way work crews who depend on a train dispatcher to provide signal protection.

Sec. 35406. Technology Implementation Plans.

This section would amend the existing requirements for Technology Implementation Plans to require railroad carriers to analyze and, as appropriate, prioritize technologies and practices to mitigate the risk of over-speed derailments.

Sec. 35407. Commuter Rail Track Inspections.

This section would require the Secretary to evaluate track inspection regulations to determine if a railroad carrier providing commuter rail passenger transportation on high density commuter railroad lines shall inspect such lines more frequently than is currently required. If the Secretary chooses to promulgate a rule, it would set a specific regulatory alternative for the Secretary to consider. If the Secretary chooses not to promulgate a rule, it would require a report to Congress explaining the reasons for the decision.

Sec. 35408. Emergency Response.

This section would require the Secretary, in consultation with railroad carriers, to conduct a study on limitations in emergency response information carried by train crews, and to report to Congress with the findings and any recommendations for legislative action.

Sec. 35409. Private Highway-Rail Grade Crossings.

This section would require the Secretary, in consultation with railroad carriers, to conduct a study to determine whether limitations or weaknesses exist regarding the availability and usefulness for safety purposes of data on private highway-rail grade crossings and to evaluate existing engineering practices on private highway-rail grade crossings. This section would require the Secretary to submit recommendations to Congress.

Sec. 35410. Repair and Replacement of Damaged Track Inspection Equipment.

This section would enable the FRA to accept and expend funds received from a third party to repair damages to government-owned track inspection equipment damaged as a result of actions from that third party.

Sec. 35411. Rail Police Officers.

This section would allow rail carriers to contract individuals to serve as rail police officers, if those individuals have the necessary qualifications to enforce State laws for the protection of railroad property, personnel, passengers, and cargo, to serve in the States in which the railroad owns property.

This section would allow a one-year certification period for police officers transferred between States. This section would also allow a State's basic police officer certification and commissioning requirements to be used for qualification as a rail police officer.

Sec. 35412. Operation Deep Dive; Report.

This section would require Administrator of the Federal Railroad Administration to submit a report to Congress that describes the progress of Metro-North Commuter Railroad in implementing the directives and recommendations issued by the Federal Railroad Administration in its March 2014 report to Congress titled "Operation Deep Dive Metro-North Commuter Railroad Safety Assessment."

Sec. 35413. Post-Accident Assessment.

This section would require the Secretary of Transportation, in cooperation with the National Transportation Safety Board and Amtrak, to conduct a post-accident assessment of the Amtrak Northeast Regional Train #188 crash on May 12, 2015. It would require recommendations and a report to Congress on the results of that assessment.

Sec. 35414. Technical and Conforming Amendments.

This section would make technical corrections to various provisions of RSIA and PRIIA. It corrects a minor error of spelling, capitalization, punctuation, or diction; substitutes defined statutory terms for undefined terms, where appropriate; and would eliminate an ambiguity or internal inconsistency.

Sec. 35415. GAO Study on Use of Locomotive Horns at Highway-Rail Grade Crossing.

This section would require the GAO to conduct a study on the Federal Railroad Administration's final rule on the use of locomotive horns at highway-rail grade crossings and transmit the results to Congress.

Part II—Consolidated Rail Infrastructure and Safety Improvements

Sec. 35421. Consolidated Rail Infrastructure and Safety Improvements.

This section would require the Secretary to implement a new consolidated rail infrastructure and safety grant program to assist in financing the cost of improving passenger and freight rail corridors in terms of safety, efficiency, and reliability. This section would allow eligible applicants to include: States; an Interstate Compact; other public entities; Amtrak or other rail passenger carriers; a Class II or III railroad; any rail carrier or rail equipment manufacturer in partnership with a public entity; an entity established to procure or maintain equipment; a standards organization; the Transportation Research Board; a University Transportation Center; and a non-profit labor organization.

The section would specify eligible projects, including: deployment of rail safety technology, including positive train control; rail passenger capital projects; congestion relief projects; highway-rail grade crossing improvements; rail line relocation projects; projects to improve short-line or regional railroad infrastructure; rail corridor planning; projects to enhance multimodal connections; standards development; safety programs; research; and workforce development. It would set project selection criteria and gives preference to projects that have a 50 percent non-Federal match. This section would limit the Federal share of total project costs to 80 percent.

This section would require the Secretary to establish performance measures for each grant recipient to assess progress in achieving strategic goals and objectives. It also would require the Secretary to allocate 25 percent of program funds to rural areas.

Part III—Hazardous Materials by Rail Safety and Other Safety Enhancements

Sec. 35431. Real-Time Emergency Response Information.

This section would require the Secretary, in consultation with the Secretary of Homeland Security, to require a Class I railroad transporting hazardous materials to generate accurate, real-time, and electronic train consist information to Fusion Centers. It would require Fusion Centers to provide that information to first responders, emergency response officials, and law enforcement personnel that are involved in the response to or investigation of an incident, accident, or public health or safety emergency.

This section would prohibit any railroad, employee, or agent from withholding, or causing to be withheld the train consist information from first responders, emergency response officials, and law enforcement personnel.

Sec. 35432. Thermal Blankets.

This section would require the Secretary to require each tank car built to meet the DOT-117 specification and each non-jacketed tank car modified to meet the DOT-117R specification to be equipped with a thermal blanket.

Sec. 35433. Comprehensive Oil Spill Response Plans.

This section would require the Secretary to issue a notice of proposed rulemaking to require each railroad carrier transporting a Class 3 flammable liquid to maintain a comprehensive oil spill response plan. This section would require a railroad to include in its comprehensive oil spill response plan procedures and resources for responding, to the maximum extent practicable, to a worst-case discharge.

Sec. 35434. Hazardous Materials by Rail Liability Study.

This section would require the Secretary to complete a study on the levels and structure of insurance for a railroad carrier transporting hazardous materials and report the results and recommendations to Congress.

Sec. 35435. Study and Testing of Electronically-Controlled Pneumatic Brakes.

This section would require the Government Accountability Office to complete an independent evaluation of ECP brake systems pilot program data and the Department of Transportation's research and analysis on the effects of ECP brake systems. This section requires the independent governing board of the National Cooperative Rail Research Program to complete testing of ECP brake systems during emergency braking application, including more than 1 scenario involving the uncoupling of a train with 70 or more DOT 117-specification or DOT 117R-specification tank cars. This section requires DOT to re-evaluate its final rule on ECP brake systems within the next two years using the results of the evaluation and testing.

Sec. 35436. Recording Devices.

This section would require all passenger railroads to install inward- and outward-facing image recording devices in all controlling locomotive cabs and cab car operating compartments in such passenger trains. It would allow the Secretary to require in-cab audio recording devices.

Sec. 35437. Rail Passenger Transportation Liability.

This section would increase the liability cap for passenger railroads from \$200,000,000 to \$295,000,000. It would require the liability cap to be increased for inflation every five years. It would prohibit the appropriation of Federal Funds for the purposes of paying the insurance premium increase resulting from an increase in the liability cap.

Sec. 35438. Modification Reporting.

This section would require the Secretary of Transportation to implement a reporting requirement to monitor industry-wide progress toward modifying tank cars used in high-hazard flammable

train service by the applicable deadlines or authorization end dates set in regulation. It would require the Secretary to collect data from tank car owners, shippers, and tank car modification facilities.

Sec. 35439. Report on Crude Oil Characteristics Research Study.

This section would require the Secretary of Energy, in cooperation with the Secretary of Transportation, to transmit to Congress the results of the comprehensive Crude Oil Characteristics Research Sampling, Analysis, and Experiment (SAE) Plan study conducted at Sandia National Laboratories. It would require the study to include recommendations to improve the safe transport of crude oil.

Part IV—Positive Train Control

Sec. 35441. Coordination of Spectrum.

This section would require the Secretary of Transportation, in coordination with the Chairman of the Federal Communications Commission, to assess spectrum needs and availability for implementing positive train control systems and to report to Congress on the results of that assessment.

Sec. 35442 Updated Plans.

This section would allow a Class I railroad carrier or other entity subject to positive train control system requirements to submit to the Secretary of Transportation an updated implementation plan. This section would set a review process for the updated plan, and it would require the Secretary to consider if the railroad carrier or other entity submitting the plan has encountered technical or programmatic challenges, has demonstrating due diligence, has included milestones and metrics that show it will implement as soon as practicable, and has set an implementation deadline schedule that requires installation, spectrum acquisition, and activation no later than December 31, 2018. This section would allow the Secretary to require modification of the updated plans for incomplete or deficient items.

This section would require the Secretary to make the updated plans available on the website of the Federal Railroad Administration. This section would specify the metrics and milestones that shall be used to demonstrate implementation as soon as practicable, and it specifies the dates that must be included in a complete implementation schedule. This section would require the railroad carrier or other entity to submit annual progress reports.

This section would require a railroad carrier or entity to implement a positive train control system in accordance with its updated plan. This section authorizes the Secretary to assess penalties for the failure to comply with the updated plan, including any milestones or metrics and updated implementation schedules approved by the Secretary.

Sec. 35443. Early Adoption and Interoperability.

This section would allow for a one-year period, beginning after the last positive train control system certification and implementation, before a railroad carrier or other entity is subject to

operational restrictions in the event of a positive train control system component failure. This section would provide for sequencing in which all carriers using a railroad line shall be certified prior to operating restrictions in the event of a component failure. This section would direct the Secretary of Transportation to extend the implementation deadline for small railroads. This section would clarify enforcement policy for the updated plan.

Sec. 35444. Positive Train Control at Grade Crossing Effectiveness Study.

This section would require the Secretary to enter into an agreement with the National Cooperative Rail Research Program Board to conduct a study of the possible effectiveness of positive train control and related technologies on reducing collisions at highway-rail grade crossings and to report to Congress on the results of that study.

Subtitle E—Project Delivery

Sec. 35501. Short Title.

This section would state that this title may be cited as the “Track, Railroad, and Infrastructure Network Act.”

Sec. 35502. Preservation of Public Lands.

This section would provide that the improvement, maintenance, rehabilitation, or operation of railroad or rail transit lines or elements of such lines, with the exception of stations, that are in use or were historically used for the transportation of goods or passengers, shall not be considered a use of an historic site for purposes of analysis under Section 4(f) of the Department of Transportation Act of 1966. This section would authorize the Secretary to take into consideration any avoidance, minimization, and mitigation or enhancement measures incorporated into the program or project when making a finding of de minimis impact.

Sec. 35503. Efficient Environmental Reviews.

This section would require the Secretary to apply the project development procedures described in section 139 of title 23 to rail projects, and to incorporate such procedures into the regulations and procedures that pertain to rail projects.

This section would allow any Department of Transportation operating administration to apply a categorical exclusion designated by another operating administration under the National Environmental Policy Act of 1969. It also would allow any Department of Transportation operating administration to adopt, in whole or in part, another operating administration’s Record of Decision, Finding of No Significant Impact, and any associated evaluations, determinations, or findings demonstrating compliance with any law related to environmental review or historic preservation.

Sec. 35504. Advance Acquisition.

This section would allow a recipient of Federal funding for rail programs to acquire right-of-way and adjacent real property interests before or during the completion of environmental reviews.

This section would require that the Secretary complete any required environmental and historic preservation reviews with respect to the acquisition. This section also would clarify that a real property interest acquired under this section may not be developed in anticipation of the proposed project until all required environmental reviews for the project have been completed.

Sec. 35505. Railroad Rights-of-Way.

This section would require the Secretary, within one year, to submit to the Advisory Council on Historic Preservation (ACHP) a proposed exemption of railroad rights-of-way from review under Section 106 of the National Historic Preservation Act, consistent with the exemption for interstate highways approved in 2005. This section would require the ACHP, within 180 days of receiving the Secretary's proposed exemption, to issue a final exemption of railroad rights-of-way from Section 106 review, consistent with the exemption for interstate highways.

Sec. 35506. Savings Clause.

This section would state that nothing in this title shall be construed as superseding, amending, or modifying the National Environmental Policy Act of 1969.

Sec. 35507. Transition.

This section would state that nothing in this title shall affect any existing environmental review process, program, agreement, or funding arrangement approved by the Secretary under title 49, United States Code, as that title was in effect on the day preceding the date of enactment of this title.

Subtitle F—Financing

Sec. 35601. Short Title; References.

This section would state that the title may be cited as the "Railroad Infrastructure Financing Improvement Act." This section would provide that all references in the title are to the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), except as otherwise expressly provided.

Sec. 35602. Definitions.

This section would establish several definitions needed to support the proposed provisions.

Sec. 35603. Eligible Applicants.

This section also would expand the limited option shipper applicant category to ensure that non-rail shippers can apply for assistance if they will become rail shippers, and it would clarify that, if there is no rail connection, eligible applicants can apply for assistance to create one. This section also would allow for joint ventures to include any two of eligible entities, including States and local governments, and not necessarily including a railroad.

Sec. 35604. Eligible Purposes.

This section would add pre-construction costs as an eligible purpose and would allow for the reimbursement of planning and design expenses related to other eligible purposes. This section would clarify that both new projects and improvements can be refinanced.

Sec. 35605. Program Administration.

This section would establish timelines under which the Secretary would be required to determine if an application is complete and to approve or disapprove a complete application. This section would require action by the Office of Management and Budget to meet this timeline. This section would require the Secretary to implement procedures to economize the time and cost involved in obtaining approval or disapproval. This section would establish a dashboard for monitoring action on each application.

This section would require the Secretary to provide a program guide and standard term sheet with application deadlines and specific timetables. This section would clarify and would expand the authority for the use and level of the evaluation charge. This section would allow the Secretary to appoint a financial entity to assist in servicing the loan. This section would clarify that amounts collected shall be credited to the Federal Railroad Administration's Safety and Operations account to pay for the costs of administering the program.

Sec. 35606. Loan Terms and Repayment.

This section would extend the maximum period for outstanding loans and loan guarantees from 35 years from the date of execution to 35 years from the date of substantial completion of the project. This section would require repayments to commence not later than five years after the date of substantial completion of a project, rather than not later than six years after the date of the original loan disbursement.

This section would authorize the Secretary to permit a borrower to defer payments, for up to one year over the duration of the loan, by adding unpaid principal and interest to the outstanding balance of the direct loan. This section would clarify that loans can be prepaid without penalty, including from the proceeds of refinancing from non-Federal funding sources.

This section would allow the Secretary to sell direct loans, after notification to the obligor, if the Secretary determines the sale or reoffering has a high probability of being made on favorable terms. This section would prohibit subordination of the direct loan in the event of bankruptcy except under certain conditions.

Sec. 35607. Credit Risk Premiums.

This section would clarify that a borrower may pay for modification costs in the same way it pays for a credit risk premium. This section would clarify that the Secretary may accept a credit risk premium from a State or local government source. This section would eliminate the requirement for the Secretary to establish cohorts of loans and repay credit risk premiums with interest.

This section would authorize the Secretary to consider, in addition to the value of any tangible asset as collateral, other creditworthiness factors, including dedicated revenue streams and investment-grade credit ratings, when determining the amount required for credit risk premiums.

Sec. 35608. Master Credit Agreements.

This section would authorize the Secretary to enter into master credit agreements for a program of related projects under certain conditions.

Sec. 35609. Priorities and Conditions.

This section would adjust the prioritization of projects to include projects for the installation of positive train control and station development. This section would clarify that going concern valuation will be used only when applicable.

Sec. 35610. Savings Provision.

This section would clarify that, with the exception of the Secretary's authority to accept modification costs on behalf of an applicant, the amendments made by the Act would not affect any loan or loan guarantee in effect prior to the date of enactment.