

2, 1974, 87 Stat. 985, as amended, which is classified principally to chapter 16 (§701 et seq.) of Title 45, Railroads. For complete classification of this Act to the Code, see Short Title note set out under section 701 of Title 45 and Tables.

The Railroad Revitalization and Regulatory Reform Act of 1976, referred to in subsecs. (a)(6) and (c)(2), is Pub. L. 94-210, Feb. 5, 1976, 90 Stat. 31, as amended. For complete classification of this Act to the Code, see Short Title note set out under section 801 of Title 45 and Tables.

#### PRIOR PROVISIONS

A prior section 24903, Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 933; Pub. L. 104-287, §5(48), Oct. 11, 1996, 110 Stat. 3393, related to program master plan for Boston-New York main line, prior to repeal by Pub. L. 105-134, title IV, §405(a), Dec. 2, 1997, 111 Stat. 2586.

#### AMENDMENTS

2015—Pub. L. 114-94 renumbered section 24904 of this title as this section.

2012—Subsec. (c)(2). Pub. L. 112-141 substituted “Surface Transportation Board” for “Interstate Commerce Commission” and “Board” for “Commission”.

Subsec. (c)(3). Pub. L. 112-141, §32932(c)(4)(B), substituted “Board” for “Commission”.

2008—Subsec. (c)(2). Pub. L. 110-432 inserted “commuter rail passenger and” after “between” in first sentence and struck out “freight” after “rail” in second sentence.

1997—Subsec. (a)(6) to (8). Pub. L. 105-134 inserted “and” at end of par. (6), substituted a period for “; and” at end of par. (7), and struck out par. (8) which read as follows: “make agreements with telecommunications common carriers, subject to the Communications Act of 1934 (47 U.S.C. 151 et seq.), to continue existing, and establish new and improved, passenger radio mobile telephone service in the high-speed rail passenger transportation area specified in section 24902(a)(1) and (2).”

1994—Subsec. (a)(2). Pub. L. 103-429 inserted “, by condemnation or otherwise,” after “acquire”.

#### EFFECTIVE DATE OF 2015 AMENDMENT

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

#### EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112-141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112-141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

#### EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

### § 24904. Northeast Corridor planning

(a) NORTHEAST CORRIDOR CAPITAL INVESTMENT PLAN.—

(1) REQUIREMENT.—Not later than May 1 of each year, the Northeast Corridor Commission established under section 24905 (referred to in this section as the “Commission”) shall—

(A) develop a capital investment plan for the Northeast Corridor; and

(B) submit the capital investment plan to the Secretary of Transportation and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.

(2) CONTENTS.—The capital investment plan shall—

(A) reflect coordination and network optimization across the entire Northeast Corridor;

(B) integrate the individual capital and service plans developed by each operator using the methods described in the cost allocation policy developed under section 24905(c);

(C) cover a period of 5 fiscal years, beginning with the first fiscal year after the date on which the plan is completed;

(D) notwithstanding section 24902(b), identify, prioritize, and phase the implementation of projects and programs to achieve the service outcomes identified in the Northeast Corridor service development plan and the asset condition needs identified in the Northeast Corridor asset management plans, once available, and consider—

(i) the benefits and costs of capital investments in the plan;

(ii) project and program readiness;

(iii) the operational impacts; and

(iv) Federal and non-Federal funding availability;

(E) categorize capital projects and programs as primarily associated with—

(i) normalized capital replacement and basic infrastructure renewals;

(ii) replacement or rehabilitation of major Northeast Corridor infrastructure assets, including tunnels, bridges, stations, and other assets;

(iii) statutory, regulatory, or other legal mandates;

(iv) improvements to support service enhancements or growth; or

(v) strategic initiatives that will improve overall operational performance or lower costs;

(F) identify capital projects and programs that are associated with more than 1 category described in subparagraph (E);

(G) describe the anticipated outcomes of each project or program, including an assessment of—

(i) the potential effect on passenger accessibility, operations, safety, reliability, and resiliency;

(ii) the ability of infrastructure owners and operators to meet regulatory requirements if the project or program is not funded; and

(iii) the benefits and costs; and

(H) include a financial plan.

(3) FINANCIAL PLAN.—The financial plan under paragraph (2)(H) shall—

(A) identify funding sources and financing methods;

(B) identify the expected allocated shares of costs pursuant to the cost allocation policy developed under section 24905(c);

(C) identify the projects and programs that the Commission expects will receive Federal financial assistance; and

(D) identify the eligible entity or entities that the Commission expects will receive the

Federal financial assistance described under subparagraph (C) and implement each capital project.

(b) **FAILURE TO DEVELOP A CAPITAL INVESTMENT PLAN.**—If a capital investment plan has not been developed by the Commission for a given fiscal year, then the funds assigned to the Northeast Corridor account established under section 24317(b) for that fiscal year may be spent only on—

(1) capital projects described in clause (i) or (iii) of subsection (a)(2)(E) of this section; or

(2) capital projects described in subsection (a)(2)(E)(iv) or (v) of this section that are for the sole benefit of Amtrak.

(c) **NORTHEAST CORRIDOR ASSET MANAGEMENT.**—

(1) **CONTENTS.**—With regard to its infrastructure, Amtrak and each State and public transportation entity that owns infrastructure that supports or provides for intercity rail passenger transportation on the Northeast Corridor shall develop an asset management system and develop and update, as necessary, a Northeast Corridor asset management plan for each service territory described in subsection (a) that—

(A) is consistent with the Federal Transit Administration process, as authorized under section 5326, when implemented; and

(B) includes, at a minimum—

(i) an inventory of all capital assets owned by the developer of the asset management plan;

(ii) an assessment of asset condition;

(iii) a description of the resources and processes necessary to bring or maintain those assets in a state of good repair, including decision-support tools and investment prioritization methods; and

(iv) a description of changes in asset condition since the previous version of the plan.

(2) **TRANSMITTAL.**—Each entity described in paragraph (1) shall transmit to the Commission—

(A) not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, a Northeast Corridor asset management plan developed under paragraph (1); and

(B) at least biennially thereafter, an update to such plan.

(d) **NORTHEAST CORRIDOR SERVICE DEVELOPMENT PLAN UPDATES.**—Not less frequently than once every 10 years, the Commission shall update the Northeast Corridor service development plan.

(e) **DEFINITION OF NORTHEAST CORRIDOR.**—In this section, the term “Northeast Corridor” means the main line between Boston, Massachusetts, and the District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, including the facilities and services used to operate and maintain those lines.

(Added Pub. L. 114-94, div. A, title XI, §11306(a)(2), Dec. 4, 2015, 129 Stat. 1658.)

#### REFERENCES IN TEXT

The date of enactment of the Passenger Rail Reform and Investment Act of 2015, referred to in subsec. (c)(2)(A), is the date of enactment of title XI of div. A of Pub. L. 114-94, which was approved Dec. 4, 2015.

#### PRIOR PROVISIONS

A prior section 24904 was renumbered section 24903 of this title.

#### EFFECTIVE DATE

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

### § 24905. Northeast Corridor Commission; Safety Committee

(a) **NORTHEAST CORRIDOR COMMISSION.**—

(1) Within 180 days after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Secretary of Transportation shall establish a Northeast Corridor Commission (referred to in this section as the “Commission”) to promote mutual cooperation and planning pertaining to the rail operations, infrastructure investments, and related activities of the Northeast Corridor. The Commission shall be made up of—

(A) members representing Amtrak;

(B) members representing the Department of Transportation, including the Office of the Secretary, the Federal Railroad Administration, and the Federal Transit Administration;

(C) 1 member from each of the States (including the District of Columbia) that constitute the Northeast Corridor as defined in section 24102, designated by, and serving at the pleasure of, the chief executive officer thereof; and

(D) non-voting representatives of freight and commuter railroad carriers using the Northeast Corridor selected by the Secretary.

(2) The Secretary shall ensure that the membership belonging to any of the groups enumerated under paragraph (1) shall not constitute a majority of the Commission’s memberships.

(3) The Commission shall establish a schedule and location for convening meetings, but shall meet no less than four times per fiscal year, and the Commission shall develop rules and procedures to govern the Commission’s proceedings.

(4) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(5) Members shall serve without pay but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5.

(6) The members of the Commission shall elect co-chairs consisting of 1 member described in paragraph (1)(B) and 1 member described in paragraph (1)(C).

(7) The Commission may appoint and fix the pay of such personnel as it considers appropriate.

(8) Upon request of the Commission, the head of any department or agency of the