

(2) INVESTIGATIONAL AUTHORITY OF BOARD AND SECRETARY.—Nothing in this section shall be construed to abridge the authority of the Board or the Secretary of Transportation to investigate the causes or circumstances of any rail accident, including the development of information regarding the nature of injuries sustained and the manner in which they were sustained, for the purpose of determining compliance with existing laws and regulations or identifying means of preventing similar injuries in the future.

(e) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

(f) DEFINITIONS.—In this section, the terms “passenger” and “rail passenger accident” have the meaning given those terms by section 1139 of this title.

(g) FUNDING.—Out of funds appropriated pursuant to section 20117(a)(1)(A), there shall be made available to the Secretary of Transportation \$500,000 for fiscal year 2010 to carry out this section. Amounts made available pursuant to this subsection shall remain available until expended.

(Added Pub. L. 110–432, div. A, title V, §502(a), Oct. 16, 2008, 122 Stat. 4897.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of the enactment of the Rail Safety Improvement Act of 2008, referred to in subsec. (a), is the date of enactment of div. A of Pub. L. 110–432, which was approved Oct. 16, 2008.

#### § 24317. Accounts

(a) PURPOSE.—The purpose of this section is to—

(1) promote the effective use and stewardship by Amtrak of Amtrak revenues, Federal, State, and third party investments, appropriations, grants and other forms of financial assistance, and other sources of funds; and

(2) enhance the transparency of the assignment of revenues, including Federal grant funds, and costs among Amtrak service lines while ensuring the health of the Northeast Corridor and National Network.

(b) ACCOUNT STRUCTURE.—

(1) IN GENERAL.—The Secretary of Transportation, in consultation with Amtrak, shall define, maintain, and periodically update an account structure and improvements to accounting methodologies, as necessary, to support the Northeast Corridor and the National Network.

(2) NOTIFICATION OF SUBSTANTIVE CHANGES.—The Secretary shall notify the Committee on Commerce, Science, and Transportation of the

Senate, the Committee on Appropriations of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committee on Appropriations of the House of Representatives regarding any substantive changes made to the account structure, including changes to—

(A) the service lines described in section 24320(b)(1); and

(B) the asset lines described in section 24320(c)(1).

(c) FINANCIAL SOURCES.—In defining, maintaining, and updating the account structure and improvements to accounting methodologies required under subsection (b), the Secretary shall ensure, to the greatest extent practicable, that Amtrak assigns the following:

(1) For the Northeast Corridor account, all revenues, appropriations, grants and other forms of financial assistance, compensation, and other sources of funds associated with the Northeast Corridor, including—

(A) grant funds appropriated for the Northeast Corridor pursuant to section 11101(a) of the Passenger Rail Reform and Investment Act of 2015 or any subsequent Act;

(B) compensation received from commuter rail passenger transportation providers for such providers’ share of capital and operating costs on the Northeast Corridor provided to Amtrak pursuant to section 24905(c); and

(C) any operating surplus of the Northeast Corridor, as allocated pursuant to section 24318.

(2) For the National Network account, all revenues, appropriations, grants and other forms of financial assistance, compensation, and other sources of funds associated with the National Network, including—

(A) grant funds appropriated for the National Network pursuant to section 11101(b) of the Passenger Rail Reform and Investment Act of 2015 or any subsequent Act;

(B) compensation received from States provided to Amtrak pursuant to section 209 of the Passenger Rail Investment and Improvement Act of 2008 (42 U.S.C. 24101 note);<sup>1</sup> and

(C) any operating surplus of the National Network, as allocated pursuant to section 24318.

(d) FINANCIAL USES.—In defining, maintaining, and updating the account structure and improvements to accounting methodologies required under subsection (b), the Secretary shall ensure, to the greatest extent practicable, that amounts assigned to the Northeast Corridor and National Network accounts shall be used by Amtrak for the following:

(1) For the Northeast Corridor, all associated costs, including—

(A) operating activities;

(B) capital activities as described in section 24904(a)(2)(E);

(C) acquiring, rehabilitating, manufacturing, remanufacturing, overhauling, or improving equipment and associated facilities

<sup>1</sup> See References in Text note below.

used for intercity rail passenger transportation by Northeast Corridor train services;

(D) payment of principal and interest on loans for capital projects described in this paragraph or for capital leases attributable to the Northeast Corridor;

(E) other capital projects on the Northeast Corridor, determined appropriate by the Secretary, and consistent with section 24905(c)(1)(A)(i); and

(F) if applicable, capital projects described in section 24904(b).

(2) For the National Network, all associated costs, including—

(A) operating activities;

(B) capital activities; and

(C) the payment of principal and interest on loans or capital leases attributable to the National Network.

(e) IMPLEMENTATION AND REPORTING.—

(1) IN GENERAL.—Amtrak, in consultation with the Secretary of Transportation, shall maintain and implement any account structures and improvements defined under subsection (b) to enable Amtrak to produce sources and uses statements for each of the service lines described in section 24320(b)(1) and, as appropriate, each of the asset lines described in section 24320(c)(1), that identify sources and uses of revenues, appropriations, and transfers between accounts.

(2) UPDATED SOURCES AND USES STATEMENTS.—Not later than 30 days after the implementation of subsection (b), and monthly thereafter, Amtrak shall submit to the Secretary of Transportation updated sources and uses statements for each of the service lines and asset lines referred to in paragraph (1). The Secretary and Amtrak may agree to a different frequency of reporting.

(f) ACCOUNT MANAGEMENT.—For the purposes of account management, Amtrak may transfer funds between the Northeast Corridor account and National Network account without prior notification and approval under subsection (g) if such transfers—

(1) do not materially impact Amtrak's ability to achieve its anticipated financial, capital, and operating performance goals for the fiscal year; and

(2) would not materially change any grant agreement entered into pursuant to section 24319(d), or other agreements made pursuant to applicable Federal law.

(g) TRANSFER AUTHORITY.—

(1) IN GENERAL.—If Amtrak determines that a transfer between the accounts defined under subsection (b) does not meet the account management standards established under subsection (f), Amtrak may transfer funds between the Northeast Corridor and National Network accounts if—

(A) Amtrak notifies the Amtrak Board of Directors, including the Secretary, at least 10 days prior to the expected date of transfer; and

(B) solely for a transfer that will materially change a grant agreement, the Secretary approves.

(2) REPORT.—Not later than 5 days after the Amtrak Board of Directors receives notification from Amtrak under paragraph (1)(A), the Board shall transmit to the Secretary, the Committee on Transportation and Infrastructure and the Committee on Appropriations of the House of Representatives, and the Committee on Commerce, Science, and Transportation and the Committee on Appropriations of the Senate, a report that includes—

(A) the amount of the transfer; and

(B) a detailed explanation of the reason for the transfer, including—

(i) the effects on Amtrak services funded by the account from which the transfer is drawn, in comparison to a scenario in which no transfer was made; and

(ii) the effects on Amtrak services funded by the account receiving the transfer, in comparison to a scenario in which no transfer was made.

(3) NOTIFICATIONS.—Not later than 5 days after the date that Amtrak notifies the Amtrak Board of Directors of a transfer under paragraph (1) to or from an account, Amtrak shall transmit to the State-Supported Route Committee and Northeast Corridor Commission a letter that includes the information described under subparagraphs (A) and (B) of paragraph (2).

(h) DEFINITION OF NORTHEAST CORRIDOR.—Notwithstanding section 24102, for purposes of this section, the term “Northeast Corridor” means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.

(Added Pub. L. 114-94, div. A, title XI, §11201(a), Dec. 4, 2015, 129 Stat. 1625; amended Pub. L. 117-58, div. B, title II, §22205, Nov. 15, 2021, 135 Stat. 699.)

### Editorial Notes

#### REFERENCES IN TEXT

Section 11101 of the Passenger Rail Reform and Investment Act of 2015, referred to in subsec. (c)(1)(A), (2)(A), is section 11101 of title XI of div. A of Pub. L. 114-94, Dec. 4, 2015, 129 Stat. 1622, which is not classified to the Code.

Section 209 of the Passenger Rail Investment and Improvement Act of 2008 (42 U.S.C. 24101 note), referred to in subsec. (c)(2)(B), probably means section 209 of div. B of Pub. L. 110-432, which is set out as a note under section 24101 of this title.

#### AMENDMENTS

2021—Subsec. (a)(2). Pub. L. 117-58, §22205(1), substituted “, including Federal grant funds, and costs among Amtrak service lines” for “and costs among Amtrak business lines”.

Subsec. (b). Pub. L. 117-58, §22205(2), amended subsec. (b) generally. Prior to amendment, text read as follows: “Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, the Secretary of Transportation, in consultation with Amtrak, shall define an account structure and improvements to accounting methodologies, as necessary, to support, at a minimum, the Northeast Corridor and the National Network.”

Subsec. (c). Pub. L. 117-58, §22205(3), inserted “, maintaining, and updating” after “defining” in introductory provisions.

Subsec. (d). Pub. L. 117–58, §22205(4), inserted “, maintaining, and updating” after “defining” in introductory provisions.

Subsec. (e). Pub. L. 117–58, §22205(5), amended subsec. (e) generally. Prior to amendment, subsec. (e) related to implementation of account structures and improvements and reporting of updated profit and loss statements for each of business lines and asset categories to Secretary.

Subsecs. (h), (i). Pub. L. 117–58, §22205(6), (7), redesignated subsec. (i) as (h) and struck out former subsec. (h). Prior to amendment, text of subsec. (h) read as follows: “Not later than 2 years after the date of enactment of the Passenger Rail Reform and Investment Act of 2015, Amtrak shall submit to the Secretary a report assessing the account and reporting structure established under this section and providing any recommendations for further action. Not later than 180 days after the date of receipt of such report, the Secretary shall provide an assessment that supplements Amtrak’s report and submit the Amtrak report with the supplemental assessment to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives.”

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

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

#### § 24318. Costs and revenues

(a) ALLOCATION.—Amtrak shall establish and maintain internal controls to ensure Amtrak’s costs, revenues, and other compensation are appropriately allocated to the Northeast Corridor, including train services or infrastructure, or the National Network, including proportional shares of common and fixed costs.

(b) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of Amtrak to enter into an agreement with 1 or more States to allocate operating and capital costs under section 209 of the Passenger Rail Investment and Improvement Act of 2008 (49 U.S.C. 24101 note).

(c) DEFINITION OF NORTHEAST CORRIDOR.—Notwithstanding section 24102, for purposes of this section, the term “Northeast Corridor” means the Northeast Corridor main line between Boston, Massachusetts, and the District of Columbia, and facilities and services used to operate and maintain that line.

(Added Pub. L. 114–94, div. A, title XI, §11202(a), Dec. 4, 2015, 129 Stat. 1628; amended Pub. L. 117–58, div. B, title II, §22206(a), Nov. 15, 2021, 135 Stat. 700.)

#### Editorial Notes

##### REFERENCES IN TEXT

Section 209 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsec. (b), is section 209 of div. B of Pub. L. 110–432, which is set out as a note under section 24101 of this title.

##### AMENDMENTS

2021—Subsec. (a). Pub. L. 117–58 struck out “Not later than 180 days after the date of enactment of the Passenger Rail Reform and Investment Act of 2015,” before “Amtrak”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE

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

#### § 24319. Grant process and reporting

(a) PROCEDURES FOR GRANT REQUESTS.—The Secretary of Transportation shall—

(1) establish and maintain substantive and procedural requirements, including schedules, for grant requests under this section; and

(2) report any changes to such procedures to—

(A) the Committee on Commerce, Science, and Transportation of the Senate;

(B) the Committee on Appropriations of the Senate;

(C) the Committee on Transportation and Infrastructure of the House of Representatives; and

(D) the Committee on Appropriations of the House of Representatives.

(b) GRANT REQUESTS.—Amtrak shall transmit to the Secretary a grant request annually, or as additionally required, for Federal funds appropriated to the Secretary of Transportation for the use of Amtrak.

(c) CONTENTS.—

(1) IN GENERAL.—Each grant request under subsection (b) shall, as applicable—

(A) categorize and identify, by source, the Federal funds and program income that will be used for the upcoming fiscal year for each of the Northeast Corridor and National Network in 1 of the categories or subcategories set forth in paragraph (2);

(B) describe the operations, services, programs, projects, and other activities to be funded within each of the categories set forth in paragraph (2), including—

(i) the estimated scope, schedule, and budget necessary to complete each project and program; and

(ii) the performance measures used to quantify expected and actual project outcomes and benefits, aggregated by fiscal year, project milestone, and any other appropriate grouping; and

(C) describe the status of efforts to improve Amtrak’s safety culture.

(2) GRANT CATEGORIES.—

(A) OPERATING EXPENSES.—Each grant request to use Federal funds for operating expenses shall—

(i) include estimated net operating costs not covered by other Amtrak revenue sources;

(ii) specify Federal funding requested for each service line described in section 24320(b)(1); and

(iii) be itemized by route.

(B) DEBT SERVICE.—A grant request to use Federal funds for expenses related to debt, including payment of principle and interest, as allowed under section 205 of the Passenger Rail Investment and Improvement Act of