

merce Commission” and “Board” for “Commission” wherever appearing.

1997—Pub. L. 105-134 redesignated subsec. (b) as (a) and subsecs. (e) to (m) as (b) to (j), respectively, in subsec. (j) struck out “(m)” after “This subsection”, and struck out former subsecs. (a), (c), and (d) which related to Northeast Corridor improvement plan, cost sharing for nonoperational facilities, and passenger radio mobile telephone service, respectively.

1996—Subsec. (m). Pub. L. 104-205 added subsec. (m).

Statutory Notes and Related Subsidiaries

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.

NORTHEAST CORRIDOR STATE-OF-GOOD-REPAIR PLAN

Pub. L. 110-432, div. B, title II, §211, Oct. 16, 2008, 122 Stat. 4920, within 6 months after Oct. 16, 2008, required Amtrak to prepare capital spending plan to return the railroad right-of-way, facilities, stations, and equipment, of the Northeast Corridor main line to a state-of-good-repair by the end of fiscal year 2018 and required review and approval of the plan by the Secretary of Transportation, prior to repeal by Pub. L. 114-94, div. A, title XI, §11306(b)(3), Dec. 4, 2015, 129 Stat. 1660.

§ 24903. General authority

(a) GENERAL.—To carry out this chapter and the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), Amtrak may—

(1) acquire, maintain, and dispose of any interest in property used to provide improved high-speed rail transportation under section 24902 of this title;

(2) acquire, by condemnation or otherwise, any interest in real property that Amtrak considers necessary to carry out the goals of section 24902;

(3) provide for rail freight, intercity rail passenger, and commuter rail passenger transportation over property acquired under this section;

(4) improve rail rights of way between Boston, Massachusetts, and the District of Columbia (including the route through Springfield, Massachusetts, and routes to Harrisburg, Pennsylvania, and Albany, New York, from the Northeast Corridor main line) to achieve the goals of section 24902 of providing improved high-speed rail passenger transportation between Boston, Massachusetts, and the District of Columbia, and intermediate intercity markets;

(5) acquire, build, improve, and install passenger stations, communications and electric power facilities and equipment, public and private highway and pedestrian crossings, and other facilities and equipment necessary to provide improved high-speed rail passenger transportation over rights of way improved under clause (4) of this subsection;

(6) make agreements with other carriers and commuter authorities to grant, acquire, or make arrangements for rail freight or commuter rail passenger transportation over, rights of way and facilities acquired under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), and chapter 224 of this title; and

(7) appoint a general manager of the Northeast Corridor improvement program.

(b) COMPENSATORY AGREEMENTS.—Rail freight and commuter rail passenger transportation provided under subsection (a)(3) of this section shall be provided under compensatory agreements with the responsible carriers.

(c) COMPENSATION FOR TRANSPORTATION OVER CERTAIN RIGHTS OF WAY AND FACILITIES.—(1) An agreement under subsection (a)(6) of this section shall provide for reasonable reimbursement of costs but may not cross-subsidize intercity rail passenger, commuter rail passenger, and rail freight transportation.

(2) If the parties do not agree, the Surface Transportation Board shall order that the transportation continue over facilities acquired under the Regional Rail Reorganization Act of 1973 (45 U.S.C. 701 et seq.), the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), and chapter 224 of this title and shall determine compensation (without allowing cross-subsidization between commuter rail passenger and intercity rail passenger and rail freight transportation) for the transportation not later than 120 days after the dispute is submitted. The Board shall assign to a rail carrier obtaining transportation under this subsection the costs Amtrak incurs only for the benefit of the carrier, plus a proportionate share of all other costs of providing transportation under this paragraph incurred for the common benefit of Amtrak and the carrier. The proportionate share shall be based on relative measures of volume of car operations, tonnage, or other factors that reasonably reflect the relative use of rail property covered by this subsection.

(3) This subsection does not prevent the parties from making an agreement under subsection (a)(6) of this section after the Board makes a decision under this subsection.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 934, §24904; Pub. L. 103-429, §6(22), Oct. 31, 1994, 108 Stat. 4380; Pub. L. 105-134, title IV, §405(b)(2), Dec. 2, 1997, 111 Stat. 2586; Pub. L. 110-432, div. B, title II, §212(b)(2), Oct. 16, 2008, 122 Stat. 4924; Pub. L. 112-141, div. C, title II, §32932(c)(4), July 6, 2012, 126 Stat. 829; renumbered §24903, Pub. L. 114-94, div. A, title XI, §11306(a)(1), Dec. 4, 2015, 129 Stat. 1658; Pub. L. 117-58, div. B, title I, §21301(j)(4)(F), Nov. 15, 2021, 135 Stat. 693.)

HISTORICAL AND REVISION NOTES

PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24904(a) (words before (1)).	45:851(a) (words before (1)).	Feb. 5, 1976, Pub. L. 94-210, §701(a)(1), (3)-(8), 90 Stat. 119.
24904(a)(1) ..	45:851(a)(1). 45:855(b).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §705(b); added May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 413; Jan. 14, 1983, Pub. L. 97-468, §301(5)(B), 96 Stat. 2550.
24904(a)(2) ..	45:854(h).	Feb. 5, 1976, Pub. L. 94-210, 90 Stat. 31, §704(h); added May 30, 1980, Pub. L. 96-254, §204(b), 94 Stat. 411.
24904(a)(3) ..	45:855(b). 45:851(a)(3) (less proviso).	
24904(a)(4) ..	45:851(a)(4).	
24904(a)(5) ..	45:851(a)(5).	

HISTORICAL AND REVISION NOTES—CONTINUED
PUB. L. 103-272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
24904(a)(6) ..	45:562(a)(2) (1st sentence).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327, §402(a)(2); added Feb. 5, 1976, Pub. L. 94-210, §706(a), 90 Stat. 123; May 30, 1980, Pub. L. 96-254, §206(a), 94 Stat. 412; Apr. 7, 1986, Pub. L. 99-272, §4017(b)(2)-(5), 100 Stat. 111.
	45:851(a)(6) (words before 8th comma).	
24904(a)(7) ..	45:851(a)(7).	
24904(a)(8) ..	45:851(a)(8).	
24904(b)	45:851(a)(3) (proviso).	
24904(c)(1) ..	45:851(a)(6) (words after 8th comma).	
24904(c)(2) ..	45:562(a)(2) (2d-5th sentences).	
24904(c)(3) ..	45:562(a)(2) (last sentence).	

In subsection (a), before clause (1), the words “the purposes of” are omitted as surplus. The words “this part” are substituted for “this subchapter, the Rail Passenger Service Act [45 U.S.C. 501 et seq.]” for clarity because subchapter III of chapter 17 of title 45, United States Code, and the Rail Passenger Service Act make up part C of subtitle V of the revised title. In clause (1), the words “by purchase, lease, exchange, gift, or otherwise, and to hold . . . sell, lease, or otherwise”, “real or personal”, and “which is necessary or” are omitted as surplus. The words “to provide” are substituted for “establishing and maintaining” for consistency in this chapter. In clause (2), the words “for the United States, by lease, purchase, condemnation, or otherwise” and “(including lands, easements, and rights-of-way, and any other property interests, including contract rights) are omitted as surplus. In clause (3), the words “the continuous operation and maintenance of” are omitted as surplus. In clause (4), the words “Washington” and “at its option” are omitted as surplus. In clause (5), the words “other safety facilities or equipment . . . any” and “which it determines are” are omitted as surplus. In clause (6), the words “Notwithstanding any other provision of this chapter”, “tracks, rights-of-way and other”, and “by the Corporation” in 45:562(a)(2) (1st sentence) and “other railroads” and “trackage rights, contract services, and other appropriate” in 45:851(a)(6) are omitted as surplus. In clause (7), the words “qualified individual to serve as the” are omitted as surplus. In clause (8), the words “on a basis which is consistent with, and” are omitted as surplus.

In subsection (c)(1), the words “shall provide for” are substituted for “to be on such terms and conditions as are necessary to” to eliminate unnecessary words. The word “reasonable” is substituted for “on an equitable and fair basis” for consistency in the revised title.

In subsection (c)(2), the words “If the parties do not” are substituted for “In the event of a failure to” for clarity. The words “to be provided”, “consistent with equitable and fair compensation principles”, “proper amount of”, “the provision of”, and “the date of” are omitted as surplus.

In subsection (c)(3), the words “either before or” are omitted as surplus because the National Railroad Passenger Corporation may make agreements on arrangements for rail freight or commuter rail transportation under subsection (a)(6) of this section and this subsection applies only when there is no agreement.

PUB. L. 103-429

This amends 49:24904(a)(2) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103-272, 108 Stat. 934).

Editorial Notes

REFERENCES IN TEXT

The Regional Rail Reorganization Act of 1973, referred to in subsecs. (a) and (c)(2), is Pub. L. 93-236, Jan. 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

2021—Subsec. (a)(6). Pub. L. 117-58, §21301(j)(4)(F)(i), substituted “, the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), and chapter 224 of this title” for “and the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.)”.

Subsec. (c)(2). Pub. L. 117-58, §21301(j)(4)(F)(ii), substituted “, the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), and chapter 224 of this title” for “and the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.)”.

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”.

Statutory Notes and Related Subsidiaries

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 SERVICE DEVELOPMENT PLAN.—

(1) IN GENERAL.—Not later than March 31, 2022, the Northeast Corridor Commission established under section 24905 (referred to in this section as the “Commission”) shall submit a service development plan to Congress.

(2) CONTENTS.—The plan required under paragraph (1) shall—

(A) identify key state-of-good-repair, capacity expansion, and capital improvement projects planned for the Northeast Corridor;

(B) provide a coordinated and consensus-based plan covering a 15-year period;

(C) identify service objectives and the capital investments required to meet such objectives;

(D) provide a delivery-constrained strategy that identifies—

- (i) capital investment phasing;
- (ii) an evaluation of workforce needs; and
- (iii) strategies for managing resources and mitigating construction impacts on operations; and

(E) include a financial strategy that identifies funding needs and potential funding sources.

(3) UPDATES.—The Commission shall update the service development plan not less frequently than once every 5 years.

(b) NORTHEAST CORRIDOR CAPITAL INVESTMENT PLAN.—

(1) IN GENERAL.—Not later than November 1 of each year, the Commission shall—

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

(B) submit the capital investment plan to—

- (i) the Secretary of Transportation;
- (ii) the Committee on Commerce, Science, and Transportation of the Senate; and
- (iii) the Committee on Transportation and Infrastructure of the House of Representatives.

(2) CONTENTS.—The plan required under paragraph (1) shall—

(A) reflect coordination across the entire Northeast Corridor;

(B) integrate the individual capital plans developed by Amtrak, States, and commuter authorities in accordance with the cost allocation policy developed and approved under section 24905(c);

(C) cover a period of 5 fiscal years, beginning with the fiscal year during which the plan is submitted;

(D) notwithstanding section 24902(b), document the projects and programs being undertaken to advance the service objectives and capital investments identified in the Northeast Corridor service development plan developed under subsection (a), and the asset condition needs identified in the Northeast Corridor asset management plans, after considering—

- (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 1 of the categories listed under section 24319(c)(2)(C);

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

(G) include a financial plan that identifies—

- (i) funding sources and financing methods;
- (ii) the status of cost sharing agreements pursuant to the cost allocation policy developed under section 24905(c);
- (iii) the projects and programs that the Commission expects will receive Federal financial assistance; and
- (iv) the eligible entity or entities that the Commission expects—
 - (I) to receive the Federal financial assistance referred to in clause (iii); and
 - (II) to implement each capital project.

(3) REVIEW AND COORDINATION.—The Commission shall require that the information described in paragraph (2) be submitted in a timely manner to allow for a reasonable period of review by, and coordination with, affected agencies before the Commission submits the capital investment plan pursuant to paragraph (1).

(c) 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 capital projects and programs contained in the Commission’s capital investment plan for the prior fiscal year.

(d) NORTHEAST CORRIDOR CAPITAL ASSET MANAGEMENT SYSTEM.—

(1) IN GENERAL.—Amtrak and other infrastructure owners that provide or support intercity rail passenger transportation along the Northeast Corridor shall develop an asset management system and use and update such system, as necessary, to develop submissions to the Northeast Corridor capital investment plan described in subsection (b).

(2) FEATURES.—The system required under paragraph (1) shall develop submissions that—

(A) are consistent with the transit asset management system (as defined in section 5326(a)(3)); and

(B) include—

- (i) an inventory of all capital assets owned by the developer of the plan;
- (ii) an assessment of condition of such capital assets;
- (iii) a description of the resources and processes that will be necessary to bring or to maintain such capital assets in a state of good repair; and
- (iv) a description of changes in the condition of such capital assets since the submission of the prior version of the plan.

(e) DEFINITION OF NORTHEAST CORRIDOR.—In this section, the term “Northeast Corridor”