

(2) evaluations and ratings, as applicable, for each project that has received a phased funding agreement or a letter of intent; and

(3) recommendations for each project that has received a phased funding agreement or a letter of intent for funding based on the evaluations and ratings, as applicable, and on existing commitments and anticipated funding levels for the next 3 fiscal years based on information currently available to the Secretary.

(k) REGIONAL PLANNING GUIDANCE CORRIDOR PLANNING.—The Secretary may withhold up to 5 percent of the total amount made available for this section to carry out planning and development activities related to section 25101, including—

(1) providing funding to public entities for the development of service development plans selected under the Corridor Identification and Development Program;

(2) facilitating and providing guidance for intercity passenger rail systems planning; and

(3) providing funding for the development and refinement of intercity passenger rail systems planning analytical tools and models.

(Added Pub. L. 114-94, div. A, title XI, § 11302(a), Dec. 4, 2015, 129 Stat. 1648; amended Pub. L. 115-141, div. L, title I, Mar. 23, 2018, 132 Stat. 994; Pub. L. 115-420, § 7(b)(3)(A)(i)(IV), Jan. 3, 2019, 132 Stat. 5447; Pub. L. 117-58, div. B, title II, § 22307(a), Nov. 15, 2021, 135 Stat. 725.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, referred to in subsec. (e), is the date of enactment of title II of div. B of Pub. L. 117-58, which was approved Nov. 15, 2021.

The National Environmental Policy Act of 1969, referred to in subsec. (g)(2)(B)(v), (C)(iv), is Pub. L. 91-190, Jan. 1, 1970, 83 Stat. 852, which is classified generally to chapter 55 (§ 4321 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 4321 of Title 42 and Tables.

AMENDMENTS

2021—Pub. L. 117-58, § 22307(a)(1), substituted “for intercity passenger rail” for “for state of good repair” in section catchline.

Subsec. (a)(1)(G). Pub. L. 117-58, § 22307(a)(2)(A)(i), (iii), added subpar. (G). Former subpar. (G) redesignated (H) to reflect the probable intent of Congress, see below.

Subsec. (a)(1)(H). Pub. L. 117-58, § 22307(a)(2)(A)(iv), which directed amendment of “subsection” (H), as redesignated, by substituting “(G)” for “(F)”, was executed by making the substitution in subpar. (H), as redesignated, to reflect the probable intent of Congress.

Pub. L. 117-58, § 22307(a)(2)(A)(ii), which directed the redesignation of “subsection” (G) as (H), was executed by redesignating subpar. (G) as (H), to reflect the probable intent of Congress.

Subsec. (a)(2) to (4). Pub. L. 117-58, § 22307(a)(2)(B), (C), redesignated pars. (3) and (4) as (2) and (3), respectively, and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: “The term ‘capital project’ means—

“(A) a project primarily intended to replace, rehabilitate, or repair major infrastructure assets utilized for providing intercity rail passenger service, including tunnels, bridges, stations, and other assets, as determined by the Secretary; or

“(B) a project primarily intended to improve intercity passenger rail performance, including reduced trip times, increased train frequencies, higher operating speeds, and other improvements, as determined by the Secretary.”

Subsec. (a)(5). Pub. L. 117-58, § 22307(a)(2)(B), struck out par. (5). Prior to amendment, text read as follows: “The term ‘qualified railroad asset’ means infrastructure, equipment, or a facility that—

“(A) is owned or controlled by an eligible applicant;

“(B) is contained in the planning document developed under section 24904 and for which a cost-allocation policy has been developed under section 24905(c), or is contained in an equivalent planning document and for which a similar cost-allocation policy has been developed; and

“(C) was not in a state of good repair on the date of enactment of the Passenger Rail Reform and Investment Act of 2015.”

Subsec. (b). Pub. L. 117-58, § 22307(a)(3), substituted “, improve performance, or expand or establish new intercity passenger rail service, including privately operated intercity passenger rail service if an eligible applicant is involved;” for “with respect to qualified railroad assets”.

Subsecs. (c) to (e). Pub. L. 117-58, § 22307(a)(4), added subsecs. (c) to (e) and struck out former subsecs. (c) to (e) which, respectively, related to projects eligible for grants under this section, set out various project selection criteria, and gave conditions on funds to be used for Northeast Corridor projects.

Subsec. (f)(2). Pub. L. 117-58, § 22307(a)(5), inserted “, except as specified under paragraph (4)” after “80 percent”.

Subsec. (g). Pub. L. 117-58, § 22307(a)(6)(A), inserted “; Phased Funding Agreements” after “Intent” in heading.

Subsec. (g)(1). Pub. L. 117-58, § 22307(a)(6)(B), substituted “Letters of intent” for “In general” in heading and “may” for “shall, to the maximum extent practicable,” in introductory provisions.

Subsec. (g)(2), (3). Pub. L. 117-58, § 22307(a)(6)(C), (D), added par. (2) and redesignated former par. (2) as (3). Former par. (3) redesignated (4).

Subsec. (g)(3)(A). Pub. L. 117-58, § 22307(a)(6)(E)(i), inserted “a phased funding agreement under paragraph (2) or” after “issuing” in introductory provisions.

Subsec. (g)(3)(B)(i). Pub. L. 117-58, § 22307(a)(6)(E)(ii), inserted “the phased funding agreement or” after “a copy of”.

Subsec. (g)(4). Pub. L. 117-58, § 22307(a)(6)(F), designated existing provisions as subpar. (B), inserted heading, and added subpar. (A).

Pub. L. 117-58, § 22307(a)(6)(C), redesignated par. (3) as (4).

Subsec. (i). Pub. L. 117-58, § 22307(a)(7), substituted “sections 22903 and 22905” for “section 22905”.

Subsecs. (j), (k). Pub. L. 117-58, § 22307(a)(8), added subsecs. (j) and (k).

2019—Subsec. (i). Pub. L. 115-420 substituted “22905” for “24405”.

2018—Subsec. (e)(1). Pub. L. 115-141 substituted “transportation at the eligible project location” for “transportation”.

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.

CHAPTER 251—PASSENGER RAIL PLANNING

Sec. 25101. Corridor Identification and Development Program.

§ 25101. Corridor Identification and Development Program

(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Passenger Rail Expansion and Rail Safety Act of 2021, the Secretary of Transportation shall establish a program to facilitate the development of intercity passenger rail corridors. The program shall include—

(1) a process for eligible entities described in subsection (b) to submit proposals for the development of intercity passenger rail corridors;

(2) a process for the Secretary to review and select proposals in accordance with subsection (c);

(3) criteria for determining the level of readiness for Federal financial assistance of an intercity passenger rail corridor, which shall include—

(A) identification of a service operator which may include Amtrak or private rail carriers;

(B) identification of a service sponsor or sponsors;

(C) identification capital project sponsors;

(D) engagement with the host railroads; and

(E) other criteria as determined appropriate by the Secretary;

(4) a process for preparing service development plans in accordance with subsection (d), including the identification of planning funds, such as funds made available under section 24911(k) and interstate rail compact grants established under section 22210;¹

(5) the creation of a pipeline of intercity passenger rail corridor projects under subsection (g);

(6) planning guidance to achieve the purposes of this section, including guidance for intercity passenger rail corridors not selected under this section; and

(7) such other features as the Secretary considers relevant to the successful development of intercity passenger rail corridors.

(b) ELIGIBLE ENTITIES.—The Secretary may receive proposals under this section from Amtrak, States, groups of States, entities implementing interstate compacts, regional passenger rail authorities, regional planning organizations, political subdivisions of a State, federally recognized Indian Tribes, and other public entities, as determined by the Secretary.

(c) CORRIDOR SELECTION.—In selecting intercity passenger rail corridors pursuant to subsection (a), the Secretary shall consider—

(1) whether the route was identified as part of a regional or interregional intercity passenger rail systems planning study;

(2) projected ridership, revenues, capital investment, and operating funding requirements;

(3) anticipated environmental, congestion mitigation, and other public benefits;

(4) projected trip times and their competitiveness with other transportation modes;

(5) anticipated positive economic and employment impacts, including development in the areas near passenger stations, historic districts, or other opportunity zones;

(6) committed or anticipated State, regional transportation authority, or other non-Federal funding for operating and capital costs;

(7) benefits to rural communities;

(8) whether the corridor is included in a State's approved State rail plan developed pursuant to chapter 227;

(9) whether the corridor serves historically unserved or underserved and low-income communities or areas of persistent poverty;

(10) whether the corridor would benefit or improve connectivity with existing or planned transportation services of other modes;

(11) whether the corridor connects at least 2 of the 100 most populated metropolitan areas;

(12) whether the corridor would enhance the regional equity and geographic diversity of intercity passenger rail service;

(13) whether the corridor is or would be integrated into the national rail passenger transportation system and whether the corridor would create benefits for other passenger rail routes and services; and

(14) whether a passenger rail operator, including a private rail carrier, has expressed support for the corridor.

(d) SERVICE DEVELOPMENT PLANS.—For each corridor proposal selected for development under this section, the Secretary shall partner with the entity that submitted the proposal, relevant States, and Amtrak, as appropriate, to prepare a service development plan (or to update an existing service development plan), which shall include—

(1) a detailed description of the proposed intercity passenger rail service, including train frequencies, peak and average operating speeds, and trip times;

(2) a corridor project inventory that—

(A) identifies the capital projects necessary to achieve the proposed intercity passenger rail service, including—

(i) the capital projects for which Federal investment will be sought;

(ii) the likely project applicants; and

(iii) the proposed Federal funding levels;

(B) specifies the order in which Federal funding will be sought for the capital projects identified under subparagraph (A), after considering the appropriate sequence and phasing of projects based on the anticipated availability of funds; and

(C) is developed in consultation with the entities listed in subsection (e);

(3) a schedule and any associated phasing of projects and related service initiation or changes;

(4) project sponsors and other entities expected to participate in carrying out the plan;

(5) a description of how the corridor would comply with Federal rail safety and security laws, orders, and regulations;

(6) the locations of existing and proposed stations;

(7) the needs for rolling stock and other equipment;

¹ So in original. Probably should be "section 22910;".