

49 USC 24905: Northeast Corridor Commission; Safety Committee

Text contains those laws in effect on February 19, 2017

From Title 49-TRANSPORTATION

SUBTITLE V-RAIL PROGRAMS

PART C-PASSENGER TRANSPORTATION

CHAPTER 249-NORTHEAST CORRIDOR IMPROVEMENT PROGRAM

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§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 United States may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out its duties under this section.

(9) Upon the request of the Commission, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out its responsibilities under this section.

(10) The Commission shall consult with other entities as appropriate.

(b) STATEMENT OF GOALS AND RECOMMENDATIONS.-

(1) **STATEMENT OF GOALS.-**The Commission shall develop and periodically update a statement of goals concerning the future of Northeast Corridor rail infrastructure and operations based on achieving expanded and improved intercity, commuter, and freight rail services operating with greater safety and reliability, reduced travel times, increased frequencies and enhanced intermodal connections designed to address airport and highway congestion, reduce transportation energy consumption, improve air quality, and increase economic development of the Northeast Corridor region.

(2) **RECOMMENDATIONS.-**The Commission shall develop recommendations based on the statement developed under this section addressing, as appropriate-

(A) short-term and long-term capital investment needs;

(B) future funding requirements for capital improvements and maintenance;

(C) operational improvements of intercity passenger rail, commuter rail, and freight rail services;

(D) opportunities for additional non-rail uses of the Northeast Corridor;

- (E) scheduling and dispatching;
- (F) safety and security enhancements;
- (G) equipment design;
- (H) marketing of rail services;
- (I) future capacity requirements; and
- (J) potential funding and financing mechanisms for projects of corridor-wide significance.

(3) SUBMISSION OF STATEMENT OF GOALS, RECOMMENDATIONS, AND PERFORMANCE REPORTS.-The Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives-

- (A) any updates made to the statement of goals developed under paragraph (1) not later than 60 days after such updates are made; and
- (B) annual performance reports and recommendations for improvements, as appropriate, issued not later than March 31 of each year, for the prior fiscal year, which summarize-
 - (i) the operations and performance of commuter, intercity, and freight rail transportation along the Northeast Corridor; and
 - (ii) the delivery of the capital investment plan described in section 24904.

(c) ALLOCATION OF COSTS.-

(1) DEVELOPMENT OF POLICY.-The Commission shall-

(A) develop a standardized policy for determining and allocating costs, revenues, and compensation for Northeast Corridor commuter rail passenger transportation, as defined in section 24102 of this title, on the Northeast Corridor main line between Boston, Massachusetts, and Washington, District of Columbia, and the Northeast Corridor branch lines connecting to Harrisburg, Pennsylvania, Springfield, Massachusetts, and Spuyten Duyvil, New York, that use Amtrak facilities or services or that provide such facilities or services to Amtrak that ensures that-

- (i) there is no cross-subsidization of commuter rail passenger, intercity rail passenger, or freight rail transportation;
- (ii) each service is assigned the costs incurred only for the benefit of that service, and a proportionate share, based upon factors that reasonably reflect relative use, of costs incurred for the common benefit of more than 1 service; and
- (iii) all financial contributions made by an operator of a service that benefit an infrastructure owner other than the operator are considered, including but not limited to, any capital infrastructure investments and in-kind services;

(B) develop a proposed timetable for implementing the policy;

(C) submit the policy and the timetable developed under subparagraph (B) to the Surface Transportation Board, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives;

(D) not later than October 1, 2015, adopt and implement the policy in accordance with the timetable; and

(E) with the consent of a majority of its members, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through nonbinding mediation to reach an agreement under this section.

(2) IMPLEMENTATION.-Amtrak and public authorities providing commuter rail passenger transportation on the Northeast Corridor shall implement new agreements for usage of facilities or services based on the policy developed under paragraph (1) in accordance with the timetable established therein. If the entities fail to implement such new agreements in accordance with paragraph (1)(D) or fail to comply with the policy thereafter, the Surface Transportation Board shall determine the appropriate compensation for such usage in accordance with the procedures and procedural schedule applicable to a proceeding under section 24903(c), after taking into consideration the policy developed under paragraph (1)(A), as applicable. The Surface Transportation Board shall enforce its determination on the party or parties involved.

(3) REVISIONS.-The Commission may make necessary revisions to the policy developed under paragraph (1), including revisions based on Amtrak's financial accounting system developed pursuant to section 203 of the Passenger Rail Investment and Improvement Act of 2008.

(4) REQUEST FOR DISPUTE RESOLUTION.-If a dispute arises with the implementation of, or compliance with, the policy developed under paragraph (1), the Commission, Amtrak, or public authorities providing commuter rail passenger transportation on the Northeast Corridor may request that the Surface Transportation Board conduct dispute resolution. The Surface Transportation Board shall establish procedures for resolution of disputes brought before it under this paragraph, which may include the provision of professional mediation services.

(d) AUTHORIZATION OF APPROPRIATIONS.-There are authorized to be appropriated to the Secretary for the use of the Commission and the Northeast Corridor Safety Committee such sums as may be necessary to carry out this section

during fiscal years 2016 through 2020, in addition to any amounts withheld under section 11101(g) of the Passenger Rail Reform and Investment Act of 2015.

(e) NORTHEAST CORRIDOR SAFETY COMMITTEE.-

(1) IN GENERAL.-The Secretary shall establish a Northeast Corridor Safety Committee composed of members appointed by the Secretary. The members shall be representatives of-

- (A) the Department of Transportation, including the Federal Railroad Administration;
- (B) Amtrak;
- (C) freight carriers operating more than 150,000 train miles a year on the main line of the Northeast Corridor;
- (D) commuter rail agencies;
- (E) rail passengers;
- (F) rail labor; and
- (G) other individuals and organizations the Secretary decides have a significant interest in rail safety or security.

(2) FUNCTION; MEETINGS.-The Secretary shall consult with the Committee about safety and security improvements on the Northeast Corridor main line. The Committee shall meet at least two times per year to consider safety and security matters on the main line and meet annually with the Commission on the topic of Northeast Corridor safety and security.

(3) REPORT.-At the beginning of the first session of each Congress, the Secretary shall submit a report to the Commission and to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the status of efforts to improve safety and security on the Northeast Corridor main line. The report shall include the safety and security recommendations of the Committee and the comments of the Secretary on those recommendations.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 935 ; Pub. L. 110-432, div. B, title II, §212(a), Oct. 16, 2008, 122 Stat. 4921 ; Pub. L. 114-94, div. A, title XI, §11305(a)-(d)(1), Dec. 4, 2015, 129 Stat. 1656 , 1657.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
24905(a)(1)	45:585(c).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327 , §505(c); added Jan. 14, 1983, Pub. L. 97-468, §508(2), 96 Stat. 2554 .
24905(a)(2)	45:585(a).	Oct. 30, 1970, Pub. L. 91-518, 84 Stat. 1327 , §505(a), (b); added Aug. 13, 1981, Pub. L. 97-35, §1137, 95 Stat. 650 ; Jan. 14, 1983, Pub. L. 97-468, §508(1), 96 Stat. 2554 .
24905(a)(3)	45:585(b).	
24905(b)	45:431 (note).	June 22, 1988, Pub. L. 100-342, §11, 102 Stat. 629 ; Sept. 3, 1992, Pub. L. 102-365, §18, 106 Stat. 982 .

In subsection (a)(2), before clause (A), the words "develop and" are omitted as surplus. In clause (B)(v), the word "rates" is substituted for "fares, tariffs" for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(3), the words "of opinions" and "(among or between the Corporation, Amtrak Commuter, other railroads, commuter authorities, and other State, local, and regional agencies responsible for the provision of commuter rail, rapid rail, or rail freight service), with respect to all matters" are omitted as surplus. The words "for facilities and transportation matters under" are substituted for "those conferred on the Commission in" for clarity.

In subsection (b)(1), the words "Within 30 days after the date of enactment of this Act . . . shall establish" are omitted as executed.

In subsection (b)(3), the words "each Congress" are substituted for "the 103rd Congress, and biennially thereafter" to eliminate unnecessary words. The words "pursuant to the provisions of this section" are omitted as unnecessary.

REFERENCES IN TEXT

The date of enactment of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsec. (a)(1), is the date of enactment of div. B of Pub. L. 110-432, which was approved Oct. 16, 2008.

Section 203 of the Passenger Rail Investment and Improvement Act of 2008, referred to in subsec. (c) (3), is set out as a note under section 24101 of this title.

Section 11101(g) of the Passenger Rail Reform and Investment Act of 2015, referred to in subsec. (d), is section 11101(g) of title XI of div. A of Pub. L. 114–94, [Dec. 4, 2015](#), 129 Stat. 1623, which is not classified to the Code.

AMENDMENTS

2015—Pub. L. 114–94, §11305(d)(1)(A), struck out "Infrastructure and Operations Advisory" after "Corridor" in section catchline.

Subsec. (a). Pub. L. 114–94, §11305(d)(1)(B)(i), struck out "Infrastructure and Operations Advisory" after "Corridor" in heading.

Subsec. (a)(1). Pub. L. 114–94, §11305(a)(1)(A), (d)(1)(B)(ii), struck out "Infrastructure and Operations Advisory" after "Corridor" and inserted ", infrastructure investments," after "rail operations" in introductory provisions.

Subsec. (a)(1)(B). Pub. L. 114–94, §11305(a)(1)(B), added subpar. (B) and struck out former subpar. (B) which read as follows: "members representing the Department of Transportation, including the Federal Railroad Administration;"

Subsec. (a)(1)(D). Pub. L. 114–94, §11305(a)(1)(C), inserted "and commuter" after "freight".

Subsec. (a)(6). Pub. L. 114–94, §11305(a)(2), amended par. (6) generally. Prior to amendment, par. (6) read as follows: "The Chairman of the Commission shall be elected by the members."

Subsec. (b)(1). Pub. L. 114–94, §11305(b)(1), inserted "and periodically update" after "develop".

Subsec. (b)(2)(A). Pub. L. 114–94, §11305(b)(2), struck out "beyond those specified in the state-of-good-repair plan under section 211 of the Passenger Rail Investment and Improvement Act of 2008" after "needs".

Subsec. (b)(3). Pub. L. 114–94, §11305(b)(3), added par. (3).

Subsec. (c). Pub. L. 114–94, §11305(c)(1), substituted "Allocation of Costs" for "Access Costs" in heading.

Subsec. (c)(1). Pub. L. 114–94, §11305(c)(2)(A), (B), substituted "policy" for "formula" in heading and "The Commission" for "Within 2 years after the date of enactment of the Passenger Rail Investment and Improvement Act of 2008, the Commission" in introductory provisions.

Subsec. (c)(1)(A). Pub. L. 114–94, §11305(c)(2)(C), substituted "policy" for "formula" in introductory provisions.

Subsec. (c)(1)(B) to (E). Pub. L. 114–94, §11305(c)(2)(D), added subpars. (B) to (E) and struck out former subpars. (B) to (D) which read as follows:

"(B) develop a proposed timetable for implementing the formula before the end of the 6th year following the date of enactment of that Act;

"(C) transmit the proposed timetable to the Surface Transportation Board; and

"(D) at the request of a Commission member, petition the Surface Transportation Board to appoint a mediator to assist the Commission members through non-binding mediation to reach an agreement under this section."

Subsec. (c)(2). Pub. L. 114–94, §11305(c)(3), substituted "policy developed under" for "formula proposed in", "paragraph (1)(D) or fail to comply with the policy thereafter, the Surface Transportation Board shall" for "the timetable, the Commission shall petition the Surface Transportation Board to", and "for such usage in accordance with the procedures and procedural schedule applicable to a proceeding under section 24903(c), after taking into consideration the policy developed under paragraph (1)(A), as applicable" for "amounts for such services in accordance with section 24904(c) of this title".

Subsec. (c)(3). Pub. L. 114–94, §11305(c)(4), substituted "policy" for "formula".

Subsec. (c)(4). Pub. L. 114–94, §11305(c)(5), added par. (4).

Subsec. (d). Pub. L. 114–94, §11305(d)(1)(E), substituted "to the Secretary for the use of the Commission and the Northeast Corridor Safety Committee" for "to the Commission" and "to carry out this section during fiscal years 2016 through 2020, in addition to any amounts withheld under section 11101(g) of the Passenger Rail Reform and Investment Act of 2015" for "for the period encompassing fiscal years 2009 through 2013 to carry out this section".

Pub. L. 114–94, §11305(d)(1)(C), (D), redesignated subsec. (e) as (d) and struck out former subsec. (d) which related to transmission of statement of goals and recommendations.

Subsec. (e). Pub. L. 114–94, §11305(d)(1)(D), redesignated subsec. (f) as (e). Former subsec. (e) redesignated (d).

Subsec. (e)(2). Pub. L. 114–94, §11305(d)(1)(F), substituted "on the main line and meet annually with the Commission on the topic of Northeast Corridor safety and security." for "on the main line."

Subsec. (f). Pub. L. 114–94, §11305(d)(1)(D), redesignated subsec. (f) as (e).

2008—Pub. L. 110–432 amended section generally. Prior to amendment, section related to Northeast Corridor Coordination Board and Northeast Corridor Safety Committee.

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.