



## Rail Passengers Association Surface Transportation Reauthorization Principles and Legislative Proposals

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- (H) Facilitate Right-of-Way Acquisition for the Development of Passenger Service

## Sec. 1. Reauthorize Core Rail Programs as Part of the Surface Transportation Reauthorization

Rail Passengers Association is asking Congress to reauthorize key passenger rail programs—including Amtrak's National Network and Northeast Corridor operations grant, the Federal-



State Partnership for Intercity Passenger Rail Program (FSP), and the Corridor Identification (CID) Program—as part of the upcoming Surface Transportation Program.

There will be key opportunities to fine-tune these programs to speed up the planning and implementation process and lower project costs (and several policies in this document aim to do just that). However, *Rail Passengers* reauthorization efforts will center on extending current programs and ensuring that the pipeline of projects created by the Infrastructure Investment and Jobs Act (IIJA) are supported through implementation.

## Recommended Actions

### (A) Reauthorize Existing Rail Programs

Rail Passengers supports the reauthorization of the following programs:

- Amtrak National Network and Northeast Corridor Operations [49 U.S.C. Ch. 243]
- Federal-State Partnership for Intercity Passenger Rail Program (FSP) [49 U.S.C. § 24911]
- Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program [49 U.S.C. § 22907]
- Corridor Identification (CID) Program [49 U.S.C. § 25101]
- Restoration and Enhancement (R&E) Grant Program [49 U.S.C. § 22908]
- Railroad Crossing Elimination Grant Program [49 U.S.C. § 22909]
- Next-Generation Equipment Committee [49 USC § 24101]
- Northeast Corridor Commission (NECC) [49 U.S.C. § 24905]
- State-Amtrak Intercity Passenger Rail Committee (SAIPRC) [49 U.S.C. §24712]

*Rail Passengers* has identified a list of select policy reforms to these programs that we are ready to share at the Committee’s convenience.

### (B) Extend Dedicated Funding at Current Levels

Given the overwhelming demand from States, interstate compacts, regional passenger rail authorities, Amtrak, private sector operators and other eligible entities (including short-line freight railroads), *Rail Passengers* is advocating for the extension of dedicated funding established by the IIJA for all programs listed in Sec. 1(A) of this document at current levels, plussed-up to account for inflation.



**(C) Direct Distribution of Rail Funds to States**

The absence of direct funding has hindered passenger rail development, particularly for rural states and states not located adjacent to the NEC. *Rail Passengers* supports AASHTO's proposal for a funding set-aside from the CRISI Program to provide each state with funding for planning and project delivery for eligible activities under this program.

Introduction of direct funding would allow States to invest local tax dollars with confidence, enabling agencies to build up the administrative capacity to efficiently administer these programs. By smoothing federal financial support for planning, construction, and operating activities—as compared to the current overreliance on discretionary grant programs, which require the identification of a local funding match in the absence of any guarantees in securing federal funding through a discretionary grant program—Congress can empower States to become full partners in developing the U.S. intercity passenger rail network.

**Proposed Language**

**SEC. X. State rail formula funding.**

(a) In general.—The Secretary shall establish a population-based formula grant program under which the Secretary shall award grants to States for the development of State rail plans, operations of rail service, and maintenance and expansion of rail infrastructure.

(b) Report required.—Each State that receives a grant under this section shall submit to the Secretary a report describing how the State rail plan and activities—

(1) include a strategy to expand passenger rail service, including new routes, existing routes identified by the department of transportation of the State, and routes selected under the Corridor Identification and Development Program established under section 25101 of title 49, United States Code.

(2) planned allocation of funds for activities described in subsection (c).



(c) Use of funds.—A State or Interstate Rail Compact, other entities focused on the deployment of passenger rail that are federally authorized or recognized by state law or regulation at the time of this legislation's passage, awarded a grant under this section may use funds from such grant to advance rail planning and operations by—

- (1) hiring and retaining staff;
- (2) pooling funds with other States to advance interstate initiatives and projects;
- (3) making improvements to existing rail infrastructure;
- (4) constructing new rail infrastructure;
- (5) carrying out such other rail activities as the Secretary determines appropriate, including studying the impacts on freight rail operations and ridership and operations coordination;
- (6) operating intercity passenger rail service; and
- (7) preparing applications for competitive Federal grant programs.

(d) Allocation of funds.—A State awarded a grant under this section may distribute these grants to an appropriate entity tasked with overseeing the development of the State's passenger rail network, including—

- (1) federally recognized Interstate Rail Compacts, or entities focused on the deployment of passenger rail that are federally authorized or recognized by state law or regulation at the time of this legislation's passage, established in accordance with section 410 of the Amtrak Reform and Accountability Act of 1997, 49 U.S.C. § 24101;
- (2) a regional transportation authority; and
- (3) a passenger rail authority.

(e) Formula.—In allocating grant funds among the States, the Administrator shall—



(1) ensure that each participating State receive not less than \$7,000,000, annually, over the 5-year period of this bill;

(2) an amount equal to no more than 50% of grant funds will be distributed to states by population; and

(3) the remainder of grant funds are to be distributed to Interstate Rail Compacts, or entities focused on the deployment of passenger rail that are federally authorized or recognized by state law and or regulation at the time of this legislation's passage, and according to the number of states they operate within.

(f) Technical assistance.—The Administrator, in coordination with Amtrak and or other intercity passenger rail service providers and the Administrator of the Federal Railroad Administration, shall provide technical assistance to States and communities to assist with the development of State rail plans.

(g) Authorization of appropriations.—There is authorization to be appropriated to the Secretary \$3,500,000,000 for the 5-year period beginning on October 1, 2026, to provide grants under this section.

(1) Funds provided under this section are to be available for obligation until expended.

**(D) Repeated Rail Planning Cycle**

Rail Passengers strongly supports the Federal Railroad Administration (FRA) launching an iterative national planning cycle. By “recycling” service development work, project planning, and project development, significant savings could be realized in time and expense for eligible entities moving through the FRA’s CID project pipeline phases.

This would allow the FRA and USDOT to prioritize hiring personnel who are experts in planning, development, engineering, environmental review, and project management to assist States and other entities applying for federal funding. A robust FRA planning and engineering department would expedite corridor development, lower planning costs, and allow projects to move to construction in far less time.

**(E) Enhance Railroad Rehabilitation and Improvement Financing (RRIF) and USDOT’s Private Activity Bond (PABs) Programs**



*Rail Passengers* supports the proposals put forth by the U.S. High Speed Rail Association (USHSR) to strengthen the RRIF program by providing an appropriation to be used by the Secretary to pay the credit risk premium for eligible passenger rail projects and raising the USDOT’s PABs volume cap to at least \$45 billion. These enhancements will leverage limited federal dollars by facilitating greater private sector investment in rail service on key high-traffic corridors across the U.S.

**(F) Support Operational Funding for Transit and Commuter Rail**

*Rail Passengers* supports the proposal to establish a federal funding program for transit operations included in Congressman Hank Johnson’s *Stronger Communities Through Better Transit Act* (H.R. 7039).

Transit agencies and commuter railroads across the U.S. are facing “fiscal cliffs” as American Rescue Plan funds expire. By providing operational support to allow service providers to make substantial improvements to transit service, this proposal will help put these services on firmer budgetary footing by improving operating recovery ratios through increased ridership.

**Sec. 2 - Implementing the Federal Railroad Administration’s Amtrak Daily Long-Distance Service Study**

Section 22214 of the IIJA directed the FRA to conduct an Amtrak Daily Long-Distance Service Study (LDSS) to evaluate the restoration of daily intercity rail passenger service along (1) any Amtrak long-distance routes that, as of the date of enactment of the IIJA, were discontinued, and (2) any Amtrak long-distance routes that, as of the date of enactment of the IIJA, occur on a non-daily basis.

The network of selected preferred route options, if implemented, would provide passenger rail access to 39 million people that don’t currently have access to passenger rail, including 7 million people in rural communities. The network of selected preferred route options, which could serve 34 states, would also increase access to key destinations -- including 61 additional Metropolitan Statistical Areas; 74 additional medical centers; 75 National Parks, Recreation Areas, and Preserves; and 3,237 higher education institutions.



Fully realized, the FRA's Long-Distance Service Study (LDSS) represents a long-term infrastructure strategy that will play out over decades. These routes are, by definition, interstate transportation corridors involving multiple states and scores of local jurisdictions. This endeavor demands a federal partner capable of enacting a national transportation vision.

## Recommended Actions

### (A) National Long-Distance Rail Service Commission

Based upon our participation in the FRA's Daily Long-Distance Service Study (LDSS), our Association recommends the formation of a National Long-Distance Rail Service Commission (LDRSC) as part of the USDOT to bring together all the Federal agencies with a role to play in building out this new Network, as well as key stakeholders such as tribes, organizations representing state agencies, local elected and appointed officials, rail labor, relevant Class I representatives, and passenger groups.

Congress should:

- Authorize creation of a LDRSC as a quasi-independent entity within the FRA, similar to the Gulf Coast Working Group<sup>1</sup>. The LDRSC will be authorized to engage in planning, construction, and procurement activities necessary to introduce phased introduction of service on the 15 routes identified by the LDSS;
- Provide \$3 million in annual funding to covering LDRSC planning and coordination activities;
- Direct the LDRSC to engage with 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, rail labor, relevant Class I and other host railroads, private sector rail operators, organizations representing passengers, and other entities, as determined by the Secretary, to carry out its mission;
- Authorize the LDRSC, in conjunction with eligible entities, to apply for FSP grants to carry out advanced planning, construction, and procurement activities; and
- Allow the LDRSC to enroll any of the 15 routes it deems necessary into the CID Program, on a rolling basis.



Proposed Language

**NATIONAL LONG-DISTANCE RAIL SERVICE COMMISSION**

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall convene a commission to evaluate the restoration and enhancement of the routes identified in the Federal Railroad Administration’s Amtrak Daily Long-Distance Service Study, as authorized by Congress in Section 22214 of the Infrastructure Investment and Jobs Act of 2021.

(b) MEMBERSHIP.—The commission convened pursuant to subsection (a) shall consist of representatives of—

- (1) the Federal Railroad Administration, which shall serve as chair of the commission;
  - (2) Amtrak;
  - (3) each State along a relevant route;
  - (4) interstate rail commissions, regional transportation planning organizations and metropolitan planning organizations, municipalities, and communities along those relevant routes, to be selected by the Secretary;
  - (5) host railroad carriers the tracks of which may be used for a service described in subsection (a);
  - (6) organizations representing Amtrak employees;
  - (7) nonprofit organizations representing Amtrak passengers;
  - (9) relevant regional passenger rail authorities and federally recognized Indian Tribes;
- and
- (10) such other entities as the Secretary may select.

(c) RESPONSIBILITIES.—The commission shall—

- (1) develop a tiered, prioritized inventory of routes that identifies corridors that are ready to advance to construction, weighing such factors as—
  - A. cost and timeline for implementation based on state of good repair for trackage, stations, and other relevant infrastructure;



- B. status of the route in the Corridor Identification and Development Program's Service Development Plan;
- C. existing sponsorship of a route by a state or regional transportation planning organization;
- D. ridership and revenue projections of a proposed route;
- E. the projected economic and social benefits that restoration or enhancement of a proposed route will provide to the served communities, particularly for rural communities;
- F. the capacity of Amtrak, or any other relevant operating entity, to introduce service along a route in a given period; and
- G. any other factors the commission deems relevant.

(2) select a preferred option for restoring such services;

(3) develop a prioritized inventory of capital projects and other actions required to restore such service and cost estimates for such projects or actions; and

(4) identify Federal and non-Federal funding sources required to restore such service, including options for entering into public-private partnerships to restore such service

(d) AUTHORITIES.—The commission shall, with the advice and consent of the Secretary, be authorized to—

- 1. enroll any of the routes it deems necessary into the Corridor Identification Program, on a rolling basis.

(e) REPORT.—Not later than 1 year after the establishment of the commission pursuant to subsection (a), the commission shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives containing recommendations for implementing the Amtrak Daily Long-Distance Service Study, including—

(1) a list of prioritized routes selected for implementation as described in subsection (c)(1);

(2) the information described in subsection (c)(3);

(3) the funding sources identified pursuant to subsection (c)(4);

(4) the estimated costs and public benefits of restoring or enhancing intercity rail passenger transportation in the region impacted for each relevant Amtrak route; and





(5) any other information the Secretary determines to be appropriate.

(f) FUNDING.—Of the total amount made available to the Office of the Secretary of Transportation and the Federal Railroad Administration, for each of fiscal years 2027 through 2032, \$3,000,000 shall be used to convene the National Long-Distance Rail Service Commission established under section XXXXX of this Act and carry out its responsibilities under such section.

## Sec. 3 Planning, Construction, and Procurement Policy Reforms

### Recommended Actions

#### (A) Streamline Environmental Review, Assessments and Planning

*Rail Passengers* is joining with the USHSR and the Teamsters Rail Conference to support a package of permitting reforms that would speed delivery of rail projects in the U.S., including:

- Limiting agency reviews for Environmental Impact Statements (EIS) and Environmental Assessments (EA) of passenger rail projects to two years and one year, respectively;
- Eliminating delays in starting the 2- or 1-year timeline by creating a 30-day determination window by which the Surface Transportation Board (STB) must review a filed application and make a determination about whether the application is sufficiently complete and whether it is subject to a 2-year EIS Statement or 1-year EA;
- Stipulating that, that if the lead agency for conducting a 2-year EIS or a 1-year EA fails to complete its review in the statutory timeframe assigned, the application or petition is deemed automatically approved and shall not be subject to judicial review;
- Designating the Surface Transportation Board as the lead agency for all high-speed rail environmental reviews with exclusive jurisdiction over the construction and operation of all U.S. high speed rail projects, as is the case for freight rail lines; and
- Ensuring that the Surface Transportation Board’s Office of Environmental Analysis (OEA) and Office of Public Assistance, Government Affairs, and Compliance (OPAGAC) are sufficiently staffed to efficiently discharge these new responsibilities.



### (B) Creation of a National Equipment Leasing Pool

Private sector Original Equipment Manufacturing (OEM) companies have responded to increased investment in the U.S. passenger rail system by dramatically expanding their domestic manufacturing footprints. This has supported thousands of direct jobs, and tens of thousands of indirect jobs through the supporting supply chains.

However, a lack of funding certainty has stunted OEM investment in the U.S., while adding to unacceptably long delivery times for operators and public agencies looking to purchase new trainsets. As just one example: Amtrak's procurement for the replacement of the existing Long-Distance fleet isn't scheduled to begin entering revenue service until at least 2033. And the locomotive Brightline recently lost in a collision with a fire truck in Florida will take three years to replace.

The creation of a National Equipment Leasing Pool (NEP) would generate thousands of new manufacturing jobs for Americans, address significant hurdles to the introduction of new services, and eliminate an obstacle to private-sector operators that is currently limiting competition in the U.S. intercity passenger rail operations market.

To support the growth of the domestic rail manufacturing industry, speed introduction of new passenger rail service in America, and incentivize greater private sector competition in the U.S. operations market, Congress should:

- Authorize \$7 billion to fund the procurement of an initial pool of intercity passenger rail equipment, to be carried out by a leasing corporation, in consultation with the NGECC, SAIPRC members, interested states and passenger rail authorities, U.S.-based OEMs, Amtrak, private-sector rail operators, and anyone else the Secretary shall deem appropriate;
- Direct the corporation to utilize, to the greatest extent practical, designs for trainsets that are being manufactured in the U.S. as of the time of enactment of this law, to reduce costs and speed delivery;
- Direct the corporation to solicit interest from relevant states, authorities, Amtrak, and private sector operators in leasing trainsets from the NEP;



- Direct the corporation to solicit bids from private sector companies interested in purchasing trainsets from the NEP to act as a leasing company, granting preference to applications from companies that currently participate in the railroad car leasing market or the aircraft leasing market;
- Clarify that any grant recipient from the NEP will be considered a rail carrier only for the purposes of making it subject to the laws of the U.S. as outlined in 49 U.S.C. §10501, including (i) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.); (ii) the Railway Labor Act (45 U.S.C. 151 et seq.); and (iii) the Railroad Unemployment Insurance Act 45 U.S.C. 351 et seq.), but will not deemed to be a rail carrier for the purposes of, or subject to, any other section of the U.S. Code; and
- Expand Railroad Improvement Fund (RRIF)(49 U.S.C. Ch. 224) eligibility to private sector companies interested in utilizing loans to procure a pool of intercity passenger rail equipment, or purchase the NEP, to act as a leasing company, granting preference to applications from companies that currently participate in the railroad car leasing market or the aircraft leasing market.

**Proposed Language**

**TITLE I—FINDINGS, PURPOSES, AND DEFINITIONS**

**SEC. 101. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.**

The Congress finds that modern, efficient, intercity railroad passenger service is a necessary part of a balanced transportation system; that a robust domestic railcar industry is of vital national interest to maintain resilient domestic manufacturing capabilities, reverse the offshoring of family-wage manufacturing jobs, and reduce dependence on foreign-controlled manufacturers; and long lead times for new railcars is a significant barrier to entry for States, regional passenger rail authorities, and private-sector operators.

**Sec. 102. DEFINITIONS--**

FOR THE PURPOSES OF THIS ACT.--

(1) "Leasing Pool Committee" means

(2) "Secretary" means the Secretary of Transportation or their delegate;



(3) "Manufacturer" means a rolling stock manufacturer capable of building passenger railcars and locomotives;

(4) "Lessor" means—

- (A) a State, including the District of Columbia;
- B) a group of States;
- (C) an entity implementing an interstate compact;
- (D) a public agency or publicly chartered authority established by 1 or more States;
- (E) a political subdivision of a State;
- (F) a federally recognized Indian Tribe;
- (G) Amtrak or another rail carrier that provides intercity rail passenger transportation;
- (H) any rail carrier in partnership with at least 1 of the entities described in subparagraphs (A) through (F); and
- (I) any combination of the entities described in subparagraphs (A) through (F).

(5) "Rail carrier" means a person providing railroad transportation as defined in Sec. 20102 of title 49, United States Code;

**TITLE II—CREATION OF A NATIONAL EQUIPMENT LEASING POOL COMMITTEE**

**SEC. 201 CREATION OF NATIONAL EQUIPMENT LEASING POOL COMMITTEE.**

(a) IN GENERAL.--Within 180 days after the date of enactment of this Act, the State-Amtrak Intercity Passenger Rail Committee (SAIPRC) shall establish a National Equipment Leasing Pool Committee, comprised of representatives of interested States, Amtrak, the Federal Railroad Administration, host freight railroad companies, passenger railroad equipment manufacturers, other passenger railroad operators, interested States, Interstate Rail Compacts, employee labor organizations representing railroad and other appropriate employees, and rail passenger advocacy organizations.

**SEC. 202. MISSION AND GOALS OF THE NATIONAL EQUIPMENT LEASING POOL COMMITTEE.**

(a) MISSION.--

- (1) facilitate the rapid introduction of new and expanded intercity rail service through the creation of a readily accessible pool of intercity rail equipment;
- (2) reduce financial barriers for eligible lessors to enhance and introduce
- (3) strengthen the domestic passenger rail manufacturing sector, support American manufacturing jobs, and reduce dependence on foreign-controlled supply chains;



(4) increase competition in passenger rail operations by reducing financial barriers entry into the U.S. market;

(5) to the extent practical, and subsidiary to the other goals defined in subsection (a), work to become operationally self-sustaining through leasing revenue.

(b) GOALS.--

(1) use its best business judgment in acting to maximize the benefits of Federal investments, including-

(A) reinvest leasing profits into expanding the size of the leasing pool to the extent the market allows;

(B) working with Amtrak, States, passenger rail authorities, private sector operators, and other eligible entities to accurately gauge future demand for equipment;

(C) work with equipment manufacturers and U.S. rail carriers to establish a national standard for equipment specifications that will allow the Corporation to benefit from existing manufacturing lines;

(D) utilize existing loan programs to leverage federal appropriations; and

(E) encourage lease-to-own agreements with eligible lessors to increase sustainable options for procurement for lessors and increase the general availability of passenger service in the United States.

**SEC. 205. GENERAL POWERS OF THE NATIONAL EQUIPMENT LEASING POOL COMMITTEE.**

(a) IN GENERAL.--The Committee is authorized to--

(1) SAIPRC, Amtrak, States, Interstate Rail Compacts, and other operators participating in the Committee may enter into agreements for the funding, procurement, remanufacture, ownership and management of corridor equipment, including equipment currently owned or leased by Amtrak and corridor equipment acquired as a result of the Committee's actions, and may establish a corporation, which may be owned or jointly owned by Amtrak, participating States or other entities, to perform these functions.

(2) own and lease intercity passenger rail equipment to eligible applicants for the enhancement and introduction of new intercity passenger rail service;

(3) hire such personnel as it deems necessary to carry out its mission;



- (4) procure new equipment to carry out its mission, using appropriated funds and revenue from leasing agreements;
- (5) conduct research and development activities related to its mission; and
- (6) acquire by construction, purchase, or to contract for the use of, such physical facilities or right of way as it deems necessary for its operations;

**SEC. 206.—AUTHORIZATION OF APPROPRIATIONS.**

(a) There are authorized to be appropriated to the National Equipment Pool for activities associated with procurement of new equipment, leasing, and related activities in the following amounts:

- (1) For fiscal year 2027, \$1,400,000,000.
- (2) For fiscal year 2028, \$1,400,000,000.
- (3) For fiscal year 2029, \$1,400,000,000.
- (4) For fiscal year 2030, \$1,400,000,000.
- (5) For fiscal year 2031, \$1,400,000,000.

**SEC. 207. EXPANSION OF RAILROAD REHABILITATION AND IMPROVEMENT FINANCING ELIGIBILITY**

(a) EXPANSION OF LOAN AUTHORITY.—The Railroad Rehabilitation and Improvement Financing Eligibility Program (Section 22402 of title 49) shall be amended to grant authority to the Secretary to provide direct loans and loan guarantees to the Committee.

(b) EXPANSION OF LOAN ELIGIBILITY.—The Railroad Rehabilitation and Improvement Financing Eligibility Program (Section 22402 of title 49) shall be amended to authorize the use of loans and loan guarantees for--

- (1) the acquisition or rehabilitation of equipment for inclusion in the National Equipment Leasing Pool; and
- (2) the lease of intercity passenger rail equipment from the Committee.

**SEC. 208. ESTABLISHMENT OF LEASING POOL.**

(a) RAIL INDUSTRY WORKING GROUP.--

- (1) Within 180 days of the date of incorporation as outlined in Sec. 201 of this Act, the Committee shall convene a Working Group of its members to advance procurement efforts.



(2) Functions.--The purpose of the Working Group shall be to provide input on the design, specifications, and procurement of standardized passenger rail equipment to carry out the National Equipment Pool's mission, including advice on:

- (1) the number of different types of equipment required, taking into account variations in operational needs and corridor infrastructure;
- (2) how to utilize, to the extent practical, designs for trainsets that are being manufactured in the U.S. as of the time of enactment of this law to reduce costs and speed delivery;
- (3) the establishment of performance-based national equipment specifications to lower manufacturing costs and promote interoperability;
- (4) how to utilize existing maintenance infrastructure and personnel to effectively maintain equipment leased by the National Equipment Pool to lessors and railway carriers; and
- (5) how to leverage private sector investment to minimize the need for future public appropriations.

(b) PROCUREMENT.--

(1) REQUEST FOR QUALIFICATIONS.-- No later than one 180 days after the convening of the Rail Industry Working Group outlined in subsection (a) of this section, the Committee shall issue a Request for Qualifications for an initial equipment order;

(2) DESIGN SELECTION.-- To the greatest extent practicable, procurements shall favor trainset designs that:

- (A) are currently in production in the United States; and
- (B) have achieved Tier I, Tier II, or Tier III certification from the Federal Railroad Administration.

(3) DOMESTIC MANUFACTURING REQUIREMENT.-- All procurement contracts implemented by the National Equipment Pool shall comply with relevant Buy America Act requirements.

(4) LABOR STANDARDS.--All contracts for manufacturing and maintenance of leased equipment implemented by the Corporation shall comply with:

- (A) the Davis-Bacon Act (40 U.S.C. 3141 et seq.); and
- (B) the Railway Labor Act.

(5) Rail Carrier Status.-- Any entity leasing equipment from the Corporation shall be considered a rail carrier only for purposes of:



- (A) the Railroad Retirement Act of 1974 (45 U.S.C. 231 et seq.);
  - (B) the Railway Labor Act (45 U.S.C. 151 et seq.); and
  - (C) the Railroad Unemployment Insurance Act (45 U.S.C. 351 et seq.).
- (6) Public Disclosure.— In carrying out its defined duties, the Corporation shall make available the following records to the public by electronic means, with records published not later than 30 days after such action is taken:
- (A) The issuance of a Request for Qualification;
  - (B) The issuance of a Request for Proposals;
  - (C) The issuance of a contract for procurement of equipment, including a winning bid rationale; and
  - (D) Whenever the Corporation determines it to be necessary to prevent the disclosure of sensitive information (such as, to prevent the disclosure of a manufacturer’s intellectual property), the Corporation may redact such information from any record covered by this subpart that is published or made available, with a full explanation of the justification for the deletion accompanying the record published or made available.

**SEC. 209. REVISED ELIGIBILITY FOR CERTAIN DISCRETIONARY GRANT PROGRAMS.**

- (a) IN GENERAL.— Section 24911 of title 49, United States Code, is amended—
- (1) in subsection (c), by adding the following:  
“(6) The lease of equipment from the National Equipment Leasing Pool Committee by an applicant, including leasing with an intent to own.”
- (b) Section 22907 of title 49, United States Code, is amended—
- (1) in subsection (c), by adding the following:  
“(17) The lease of equipment from the National Equipment Leasing Pool Committee by an applicant, including leasing with an intent to own.”
- (c) Section 6701 of title 49, United States Code, is amended—
- (1) in subsection (d)(1)(D) by adding the following:  
“(i) Including the lease of equipment from the National Equipment Leasing Pool Committee by an applicant, including leasing with an intent to own.”
- (d) Section 117 of title 23, United States Code, is amended—
- (1) in paragraph (d)(1)(A)(vi)(II) by adding the following:  
“(aa) The lease of equipment from the National Equipment Leasing Pool Committee by an applicant, including leasing with an intent to own.”



**SEC. 210. REPORTS TO THE CONGRESS.**

(a) REPORT.—Not later than 1 year after the date of enactment of this Act, and every year thereafter, the Committee shall submit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that describes—

- (1) the implementation of this Act;
- (2) the status of the procurement efforts and coordination with rail industry stakeholders funded through this Act;
- (3) summary of lease activity, including expressions of interest from eligible lessors;
- (4) the status of any new, restored, or enhanced rail services initiated facilitated by the Committee;
- (5) Financial statements and audit results, including a forecast of revenue performance and capital recovery trajectory; and
- (5) any legislative recommendations.

**(C) Leverage Flexibility Under Current Law**

Current statutes define [22 categories of FRA Categorical Exclusions](#) (CEs) (§771.116) that do not involve significant environmental impacts and are subject to expedited review.

**(D) Standardize Project Elements**

*Rail Passengers* supports policy recommendations outlined in the American High Speed Rail Act (AHSRA) directing the FRA to promulgate comprehensive, performance-based regulations on passenger rail infrastructure elements to incentivize standardized station, signaling, and equipment designs across the U.S. rail network. To the practical extent that these elements can be repeated between different projects, they will lower manufacturing costs and maximize interoperability.

**(E) Prioritize Expertise Over Lowest Bid**

Replace lowest-bidder standards with a "technical score" for reliability, feasibility, cost targets, and speed of execution. Include a requirement for an itemized budget from proposal to signed contract, against which the contractor is measured.



### **(F) Prohibit Spending Timelines**

Prohibit the inclusion of obligation deadlines for FSP and CRISI grantees to avoid the increased costs that come with restructuring project sequencing to meet artificial timelines.

### **(G) Mandate Formalized Cost Transparency**

Congress should mandate that Amtrak, the FRA, and FSP grantees publicly post itemized lists of costs for Major Rail Project grant awards (defined by the FRA as a railroad capital project with a capital cost estimate equal to or greater than \$500 million and at least \$100 million in federal assistance; or a railroad capital project that FRA determines to be a Major Rail Project).

This will encourage public-sector innovation in project management, increase transparency, and reduce friction in change orders. These cost itemizations should be readily accessible to the public.

### **(H) Facilitate Right-of-Way Acquisition for the Development of Passenger Service**

*Rail Passengers* supports policy recommendations outlined in the AHSRA:

- Authorizing advance acquisition of railroad right-of-way (similar to advance acquisition permitted for highway and transit projects) by allowing the Secretary to assist a grantee in acquiring right-of-way before the completion of the environmental reviews for any project that may use the right-of-way if the acquisition is otherwise permitted under federal law.
- Establishing an incentive for freight operators to sell, grant easement on, or lease freight-owned land along existing right-of-way for passenger rail development.