

2015 FAST Act – Rail-related Provisions

TITLE VI	Research	
Sec. 6013	Web-based Training for Emergency Responders	Adds web-based training for emergency responders that USDOT shall provide to the public sector.
Sec. 6014	Hazmat R&D	USDOT research may include activities relating to emergency planning and response including information and programs that can be readily assessed and implemented in local jurisdictions, among other hazmat research activities.
Sec. 6016	University Transportation Centers	Revamps UTC grants program.
Sec. 6018	Port Performance Freight Statistics Program	Establishes a port performance statistics program to provide nationally consistent measures of performance. USDOT shall establish a Working Group that shall include one representative from the rail industry.
Title VII	HAZMAT	
Subtitle C	Safe Transport of Flammable Liquids by Rail	
Sec. 7101	Authorizations	Authorizes \$22 million annually for hazmat emergency preparedness planning and training grants to States and Indian tribes.
Sec. 7203	Improving the Effectiveness of Planning and Training Grants	Revamps planning and training grants to States and Indian tribes, including emphasis on training public sector employees to respond to hazmat accidents. Grants may be used for tuition, travel, room and board, travel expenses for trainers.
Sec. 7301	Community Safety Grants	The Secretary shall establish a competitive program for making grants to nonprofit organizations for training programs to assist communities to respond to accidents

		involving transportation of hazmat, including Class 3 flammable liquids by rail.
Sec. 7302	Real-time emergency response information	Requires w/in one year that the Secy issue regulations that require Class Is transporting hazmat to generate accurate, real-time, and electronic train consist information, including the identity, quantity and location of hazmat on a train, the point of origin and destination of the train, any emergency response information required by the Secretary, and an emergency POC designated by the Class I. Requires Class Is to enter into an MOU with each applicable fusion center to provide the fusion center with secure and confidential access to the electronic train consist information. Requires fusion centers to provide the electronic train consist information to state and local first responder and law enforcement involved in a response or investigation of an accident. Requires each Class I to provide advanced notification and information on high-hazard flammable trains to each state emergency response commission consistent with EO Docket DOT-OST-2014-0067 to include a reasonable estimate of implicated trains expected to travel each week per county within applicable states, updates, description of Class 3 flammables transported, emergency response information, identification of routes, and POC. Requires State emergency response commissions to provide political subdivisions or public agency responsible for emergency response or law enforcement the information received from Class Is. Establishes security and confidentiality protections.
Sec. 7303	Emergency Response	Comptroller General of the US shall conduct a study to determine whether

		limitations or weaknesses exist in the emergency response information carried by train crews transporting hazmat. Study due w/in one year.
Sec. 7304	Tank Car Phase-out	<p>Requires ALL railroad tank cars used to transport Class 3 flammable liquids to meet the DOT-117 or DOT-117R specifications, regardless of train composition. Provides for a phase-out schedule for:</p> <p>(1) tank cars carrying Class 3 flammable service, including crude oil (1 January 2018 for non-jacketed DOT-111 tank cars, 1 March 2018 for jacketed DOT-111 tank cars, 1 April 2020 for non-jacketed CPC-1232 tank cars, and 1 May 2025 for jacketed CPC-1232 tank cars);</p> <p>(2) for tank cars carrying ethanol (1 May 2023 for non-jacketed and jacketed DOT 111s, 1 July 2023 for non-jacketed CPC-1232 tank cars, and 1 May 2025 for jacketed CPC-1232 tank cars;</p> <p>(3) for transport of Class 3 flammable liquids in Packing Group I (other than those specified under (1) and (2) the deadline is 1 May 2025; and for</p> <p>(4) Class 3 flammable liquids in Packing Groups II and III (other than those already covered above) the deadline is 1 May 2029.</p> <p>Deadlines for (3) and (4) may be extended by up to 2 years if there is insufficient shop capacity.</p>
Sec. 7305	Thermal blankets	Requires w/in 6 months that the Secy issue regulations to require that each tank car built to meet DOT-117 specs and each non-jacketed tank car modified to meet the DOT-117R specs be equipped with an insulating blanket at least 1/2 " thick.

Sec. 7306	Top Fittings	Requires legacy tank car retrofit fittings for pressure relief valves.
Sec. 7307	Oil Spill Response Plans	Requires a progress report w/in 30 days after enactment and every 90 days thereafter until a final rule based on the ANPR issued on August 1, 2014 is promulgated by USDOT.
Sec. 7308	Modification Reporting	W/in 1 year of enactment, the Secy shall implement a reporting requirement to monitor industry progress toward modifying rail tank used to transport Class 3 flammable liquids by the phase-in deadlines established in sec. 7304 of this act. Specifies requirements for the report.
Sec. 7309	Report on crude oil characteristics	Within 6 months of the completion of the Crude Oil Characteristics Research Sampling Analysis conducted at Sandia National Labs, the DOE Secretary shall submit the results and recommendations for further regulations or legislation to improve the safe transport of crude oil.
Sec. 7310	Hazmat by rail liability study	Within 4 months of enactment, USDOT shall initiate a study on the levels and structure of insurance for railroad carriers transporting hazmat.
Sec. 7311	ECP Brakes	Requires the Comptroller General to conduct an independent evaluation of ECP brakes. Specifies requirements of that study. Requires report w/in 18 months. Requires USDOT to conduct testing pf ECP brakes with NAS and specifies conditions of that testing framework. Requires w/in 6 months after receiving results of that testing whether ECP benefits outweigh costs. If ECP brakes are justified, then USDOT published reasons for that determination. If not, then ECP brake system requirements are repealed.
Title VIII	Multimodal Freight	

Sec. 8001		
Sec. 70101	National Multimodal Freight Policy	Outlines 10 goals of a national multimodal freight policy.
Sec. 70102	National Freight Strategic Plan	W/in 2 years, USDOT shall develop a freight strategic plan that provides an assessment of the condition and performance of the National Multimodal Freight Network (NMFN); forecasts freight volumes for 5-, 10- and 20-year periods; identifies major trade gateways, corridors and freight generators; identifies chokepoints on the NMFN; assesses statutory, regulatory, technological, institutional, financial and other barriers to freight performance; identifies strategies to improve freight intermodal connectivity and mitigate impact of freight movements on communities, among other requirements. Plan shall be updated every 5 years.
Sec. 70103	National Multimodal Freight Network	USDOT shall establish a National Multimodal Freight Network (NMFN) to assist states in strategically directing resources to improve freight mobility. Specifies that an “interim” NMFN established w/in 6 months shall include the freight rail systems of Class 1 railroads, and intermodal facilities and freight rail lines of Class II and Class III railroads deemed critical. A final NMFN shall be established w/in 1 year of enactment, following input from stakeholders. Provides for updates every 5 years. Encourages States to establish freight advisory committees and requires States to develop freight plans. Specifies requirements for such freight plans. Requires USDOT to develop tools to evaluate freight projects.
Title XI	Rail	

Sec. 11101	Authorizations to Amtrak	(A) Authorizes to the NEC \$450 mn for FY 16, \$474 mn for FY 2017, \$515 mn for FY 18; \$557 for FY 19; \$600 mn for FY 20. (B) Authorizes for the National Network \$1 bn for FY 16 with gradual increase to \$1.2 bn by FY 20.
Sec. 11102	Consolidated Rail Infrastructure and Safety Improvements	Authorizes \$98 mn in FY 16, \$190 mn in FY 17; \$230 mn in FY 18; \$255 mn in FY 19 and \$330 mn in FY 20 for infrastructure and safety improvement grants.
Sec. 11103	Federal-State Partnership for State of Good Repair	Authorizes \$82 mn in FY 16; \$140 mn in FY 17; \$175 mn in FY 18; \$300 mn in FY 19 and \$300 mn in FY 20 for state of good repair grants.
Sec. 11104	Restoration and Enhancement Grants	Authorizes \$20 mn annually for restoration and enhancement grants.
Subtitle B	Amtrak Reforms	
Sec. 11201	Accounts	Revamps Amtrak's account structure to provide greater transparency.
Sec. 11202	Amtrak Grant Process	Revamps procedures for Amtrak's grant process.
Sec. 11203	Five-Year Business Plans	Revamps Amtrak's 5-year business line and asset plans.
Sec. 11204	State-Supported Route Committee	Establishes a State-Supported Route Committee under USDOT to promote mutual cooperation and planning related to trains operated by Amtrak on state-supported routes and section 209 issues.
Sec. 11205	Amtrak's Board	Adds a tenth director to the Board.
Sec. 11206	Route and Service Planning	W/in 6 months, Amtrak shall retain an independent entity to develop objective methodologies for determining what routes and services Amtrak should provide, including possible new routes, elimination of routes and contraction or expansion or frequencies over such routes.

		This entity must consider a list of criteria, including the views of host railroads. Recommendations are to be provided to Congress w/in 1 year.
Sec. 11207	Food and Beverage Reform	W/in 90 days, Amtrak shall begin implementing a plan to eliminate w/in 5 years operating losses on food and beverage service.
Sec. 11208	Rolling Stock Purchases	Prior to purchasing over \$100 mn for rolling stock and locomotives, Amtrak must submit a business case to USDOT.
Sec. 11209	Local Products and Promotional Events	W/in 6 months, Amtrak shall establish a pilot with states to facilitate onboard purchases of local food and beverages and partnerships with local entities to hold promotional events on trains or in stations.
Sec. 11210	Amtrak Pilot Program for Cats and Dogs	Within 1 year, Amtrak shall develop a pilot program to allow passengers to transport their pet cats or dogs on certain trains.
Sec. 11211	ROW Leveraging	W/in 1 yr, Amtrak shall issue an RFP seeking entities to use ROW or real estate owned or controlled by Amtrak for telecommunications, energy distribution and other appropriate activities.
Sec. 11212	Station Development	W/in 1 yr, Amtrak shall provide a report to Congress on options to enhance economic development and accessibility around Amtrak stations. Following that report, Amtrak shall issue a Request for Information from station owners, followed by an RFP to qualified persons to lead or partner with Amtrak on station development.
Sec. 11213	Amtrak Boarding Procedures	W/in 9 months, Amtrak's IG shall submit a report to Congress evaluating Amtrak's boarding procedures and make recommendations for improvement.
Subtitle C	Passenger Rail Policy	

Sec. 11301	Rail Infrastructure and Safety Improvements	Establishes a new consolidated grants program for multitude of projects including deployment of PTC, capital programs to address congestion challenges, grade crossing improvements, rail line relocation, short line infrastructure and projects USDOT considers necessary to enhance multimodal connections, among others. (Annual funding levels specified in Sec. 11102)
Sec. 11302	Federal-State Partnership for State of Good Repair	Establishes a new capital grants program for Amtrak and States aimed at projects to replace, repair or rehabilitate major intercity passenger rail infrastructure or a project intended to improve performance. Priority is given to applicants where Amtrak is not the sole applicant. (Annual funding levels specified in Sec. 11103)
Sec. 11303	Restoration and Enhancement Grants	Establishes a program for operating assistance grants for Amtrak, States, and any rail carrier in partnership with another specified entity for initiating, restoring or enhancing intercity passenger rail service. (Annual funding levels specified in Sec. 11104)
Sec. 11304	Gulf Coast Rail Service Working Group	Directs USDOT w/in 90 days to convene a working group to evaluate restoration of service between New Orleans and Orlando. Report due in 9 months
Sec. 11305	NEC Commission	Updates goals, requirements and reports of the NEC Commission. Provides for STB dispute resolutions.
Sec. 11306	NEC Planning	Requires an annual capital investment plan for the NEC and specifies contents of that plan.
Sec. 11307	Competition	Requires a rulemaking w/in 18 months to establish a competition pilot program that would enable entities other than Amtrak to

		provide passenger rail service on up to three routes for 4-12 years. Eligible petitioners for the service include rail carriers or a public entity with a written agreement with a host rail carrier.
Sec. 11308	Performance-based Proposals	Directs USDOT to issue RFPs for projects on specified passenger route corridors that would cut rail service trip times by a minimum of 25 % or provide 2-hour or less service on the NEC.
Sec. 11309	Large Capital Project Requirements	Provides conditions for grants exceeding \$1 billion.
Sec. 11310	Small Business Participation Study	Requires a study of small business participation in publicly funded intercity rail passenger transportation projects.
Sec. 11311	Shared Use Study	Directs USDOT within three years to conduct a study evaluating the “shared-use of right-of-way by passenger and freight rail systems” and “the operational, institutional, and legal structures that would best support improvements to [these] systems.” The section would direct USDOT to submit recommendations, including any legislative proposals consistent with such recommendations, to the appropriate committees of Congress.
Sec. 11312	NEC Through-Ticketing and Procurement Efficiencies	W/in 3 years, the NEC Commission must study the feasibility of permitting through-ticketing between Amtrak service and commuter service on the NEC.
Sec. 11313	Data and Analysis	W/in 3 years, USDOT with STB, Amtrak, freight railroads, State and local governments and others shall conduct a data needs assessment related to modeling and analysis for intercity passenger rail development. The assessment shall also develop recommendations on what additional data are warranted and which entities shall be responsible for generating or collecting needed data. W/in 6 months

		of enactment, USDOT shall provide more tools and guidance for assessing benefit-cost analyses for both intercity passenger rail and freight rail projects. No entity shall be required to provide information to the Secretary in the absence of a voluntary agreement.
Sec. 11314	Amtrak Inspector General	Specifies assessment projects for Amtrak's IG, including providing guidance and training on benefits and costs for rail projects.
Sec. 11315	Miscellaneous- PTC Clarification	Requires State Rail Plans to be approved by the Secretary every 4 years instead of every 5 years. Authorizes maglev projects as eligible for RRIF loans. Proscribes what DOT can and cannot do upon receipt of the revised PTC implementation plans required by section 20157(a)(1) to be filed in January 2016. Specifically, DOT is prohibited from approving or disapproving any revised plan, or from requiring any plan to contain a schedule and sequence with a completion date before December 30, 2018. DOT also is prohibited from construing a revised plan as a request for an amendment of an existing plan under existing regulation. Preserves DOT's ability to penalize railroads who do not file timely revised plans, or that do not comply with their filed plans, or otherwise violate Section 20157.
Subtitle D	Safety	
Sec. 11401	Highway Rail Grade Crossing Safety	Requires USDOT to develop within one year a model State highway-rail grade crossing action plan. Requires each State within another 18 months to implement State highway-rail grade crossing action plan.
Sec. 11402	Private Highway-Rail Grade Crossings	Requires USDOT, in consultation with rail carriers to conduct a study within 3 years to determine whether limitations or

		weaknesses exist regarding the availability and usefulness for safety purposes of data on private highway-rail grade crossings; and to evaluate existing engineering practices on such crossings.
Sec. 11403	Study on Use of Locomotive Horns at Highway-Rail Grade Crossings	Comptroller General of the US shall submit a report to Congress on the results of a study evaluating the final rule issued on August 17, 2006 on use of locomotive horns, including an analysis of the cost/benefits of quiet zones and barriers to establishing quiet zones.
Sec. 11404	PTC at Grade Crossing Effectiveness Study	After USDOT certifies that all Class I, passenger and commuter railroads are in compliance with PTC requirements, the USDOT Secretary shall conduct a study of the possible effectiveness of PTC on reducing collisions at grade crossings.
Sec. 11405	Bridge Inspection Reports	A State or political subdivision of a State may file a request with the USDOT for a public version of a bridge inspection report for bridges located w/in their jurisdictions. A public version shall include the date of the last inspection, the bridge length, location, type, features, general condition and railroad POC.
Sec. 11406	Speed Limit Action Plans	Directs each rail carrier hosting intercity passenger transportation or commuter rail service within 90 days to identify each main track location where there is a reduction of more than 20 mph from the approach speed to a curve or bridge. Requires each passenger rail carrier within another 120 days to submit an action plan to USDOT to address such situations. Allows USDOT to exempt from the requirements track segments governed by PTC.
Sec. 11407	Alerters	Requires Secy to promulgate a rule requiring a working alerter in the controlling locomotive of each passenger

		train in intercity passenger transportation or commuter rail passenger transportation.
Sec. 11408	Signal Protection	Requires Secy to initiate a rulemaking within 18 months to require on-track safety, including redundant signal protection. Secretary shall consider exempting track segments that are governed by PTC or other safety technology or practice that would achieve an equivalent or greater level of safety.
Sec. 11409	Commuter Rail Track Inspections	Directs USDOT to evaluate and determine if commuter rail lines should be required to perform inspections more frequently by vehicle or on foot.
Sec. 11410	Post-Accident Assessment	Requires the USDOT Secretary in cooperation with NTSB and Amtrak to conduct a post-accident assessment of Amtrak NE Regional Train #188 crash on May 12, 2015. List requirements of the study.
Sec. 11411	Recording Devices	Requires w/in 2 years that USDOT Secretary promulgate regulations requiring passenger and commuter trains to install inward- and outward-facing image recording devices.
Sec. 11412	Railroad Police Officers	Among other provisions, requires USDOT within one year to revise federal regulations to permit a railroad to designate an individual, who is commissioned in the individual's state of legal residence or state of primary employment, to enforce state laws for the protection of railroad property, personnel, passengers and cargo, and to serve in the states in which the railroad owns property.
Sec. 11413	Repair and Replacement of Damaged Track Inspection Equipment	Authorizes USDOT to receive cash or spare parts to repair damages or replace USG-owned automated track inspection cars and equipment as a result of third party

		liability for such damages.
Sec. 11414	Report on Vertical Track Deflection	Within 9 months of enactment, USDOT shall transmit a report to Congress detailing FRA research on vertical track deflection from a moving rail car, including the ability of such system to identify poor track support from fouled ballast, deteriorated cross ties or other conditions.
Sec. 11415	Rail Passenger Liability	Provides retroactive liability coverage for the Amtrak accident occurring on May 12, 2015, up to \$295 million. The current liability cap of \$200 million will be adjusted on the date of enactment to reflect the change in CPI since December 2, 1997. The Secretary shall notice the adjustment and it will be effective 30 days after such notice. The cap will be adjusted every 5 years to reflect the change in the CPI since the last adjustment.
Subtitle E	Project Delivery	
Sec. 11502	Treatment of Improvements to Rail and Transit Under Preservation Requirements	Railroad or Transit improvements, maintenance, rehabilitation, or operation shall not be considered use of a historic site, regardless of whether the line or element thereof is listed on or eligible for listing on the National Register of Historic Places. This does not apply to stations, railroad bridges or tunnels that have been abandoned, or transit lines not in use.
Sec. 11503	Efficient Environmental Reviews	Requires DOT Secretary to apply the expedited environmental review project development procedures used for highway projects to railroad projects. Allows the Secretary to not incorporate procedures that could only feasibly apply to highway projects, public transportation capital projects, and multimodal projects. Makes the limitation on claims related to rail

		<p>projects 2 years (instead of the 150 days that applies to highway projects). Requires a survey of FRA use of categorical exclusions in transportation projects since 2005, followed by a rulemaking on developing a process for creating new categorical exclusions for projects that require NEPA approval.</p>
Sec. 11504	Railroad Rights-of-Way	<p>Requires that within one year the DOT Secretary submit a proposed exemption of railroad rights-of-way from review by the Advisory Council on Historic Preservation, consistent with those provided for interstate highways. The final exemption must be submitted no more than 180 days after the proposal is published.</p>