

[~117H1845]

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(Original Signature of Member)

118TH CONGRESS
1ST SESSION

H. R. _____

To amend chapter 261 of title 49, United States Code, to provide for high-speed rail corridor development, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MOULTON introduced the following bill; which was referred to the
Committee on _____

A BILL

To amend chapter 261 of title 49, United States Code,
to provide for high-speed rail corridor development, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “American High-Speed
5 Rail Act”.

1 **SEC. 2. AMENDMENTS TO CERTAIN HIGH-SPEED RAIL AS-**
2 **SISTANCE PROVISIONS.**

3 (a) APPLICABILITY.—Amendments made by this Act,
4 and the applications of such amendments to other persons
5 or circumstances, to chapter 261 shall apply to any Fed-
6 eral assistance provided on or after the date of the enact-
7 ment of this Act.

8 (b) HIGH-SPEED RAIL CORRIDOR PLANNING.—Sec-
9 tion 26101 of title 49, United States Code, is amended—

10 (1) in subsection (a)—

11 (A) in paragraph (1), by striking “or
12 group of public agencies for corridor planning
13 for up to 50 percent” and inserting “, a group
14 of public agencies, or a consortium composed of
15 a public agency or group of public agencies and
16 a private entity, for corridor planning for up to
17 100 percent”;

18 (B) in paragraph (2), by striking “No
19 less” and all that follows through the period at
20 the end and inserting “The Secretary shall
21 prioritize providing financial assistance for cor-
22 ridor planning activities with respect to which
23 at least 20 percent of the total costs associated
24 with eligible activities shall be from specified fi-
25 nancial sources.”; and

26 (C) by adding at the end the following:

1 “(3) In this subsection, the term ‘specified fi-
2 nancial source’ means—

3 “(A) the Railroad Rehabilitation and Im-
4 provement Finance program under chapter V of
5 the Railroad Revitalization and Regulatory Re-
6 form Act of 1976 (45 U.S.C. 821 et seq.);

7 “(B) the transportation infrastructure fi-
8 nance and innovation program in chapter 6 of
9 title 23;

10 “(C) funding provided by the government
11 of a country that is adjacent to the inter-
12 national border of the United States through
13 which the proposed corridor will cross;

14 “(D) a State, local, or private source; or

15 “(E) any combination of the sources de-
16 scribed in subparagraphs (A) through (D).

17 “(4) For any funds derived from the programs
18 described in subparagraphs (A) and (B) of para-
19 graph (3) that are used for costs associated with eli-
20 gible activities, such funds shall be repaid from
21 State, local, or private sources.”;

22 (2) in subsection (b)—

23 (A) by striking paragraph (2); and

24 (B) by striking “(1) A corridor” and in-
25 serting “A corridor”;

1 (3) in subsection (c)—

2 (A) in paragraph (13) by striking “and” at
3 the end;

4 (B) by redesignating paragraph (14) as
5 paragraph (16); and

6 (C) by inserting after paragraph (13) the
7 following:

8 “(14) impacts associated with equity, resilience,
9 sustainability, economic development, and climate;

10 “(15) the potential to serve an eligible place, as
11 such term is defined in section 41731; and”; and

12 (4) by adding at the end the following sub-
13 section:

14 “(d) PROJECTS OR ACTIVITIES FOR HIGHER-SPEED
15 RAIL.—

16 “(1) IN GENERAL.—With respect to grants
17 awarded under this section, the Secretary may
18 award not more than 20 percent of grants under
19 this section for projects or activities for higher-speed
20 rail.

21 “(2) RELEVANT REQUIREMENTS.—With respect
22 to grants under paragraph (1), the Secretary may
23 apply requirements for high-speed rail to projects or
24 activities for higher-speed rail, where applicable.”.

1 (c) HIGH-SPEED RAIL TECHNOLOGY IMPROVE-
2 MENTS.—Section 26102 of title 49, United States Code,
3 is amended by adding at the end the following new sub-
4 section:

5 “(d) FACTOR TO CONSIDER.—In providing financial
6 assistance to eligible recipients under subsection (b), the
7 Secretary may consider activities that incorporate the use
8 of technologies that facilitate intermodal connections and
9 connections with other passenger rail systems.”.

10 (d) SAFETY REGULATIONS.—Section 26103(1) of
11 title 49, United States Code, is amended by striking
12 “such” and all that follows through the semicolon at the
13 end and inserting “comprehensive, performance-based reg-
14 ulations for all high-speed rail projects that shall not in-
15 hibit interoperability within the high-speed rail network;”.

16 (e) DEFINITIONS.—Section 26105 of title 49, United
17 States Code, is amended—

18 (1) in paragraph (2), by striking “of more than
19 125 miles per hour” and inserting “of 186 miles per
20 hour or more”; and

21 (2) by adding at the end the following para-
22 graph:

23 “(7) the term ‘higher-speed rail’—

24 “(A) means all forms of nonhighway
25 ground transportation that run on rails or elec-

1 tromagnetic guideways providing transportation
2 service which is—

3 “(i) reasonably expected to reach sus-
4 tained speeds of more than 110 miles per
5 hour but less than 186 miles per hour; and

6 “(ii) made available to members of the
7 general public as passengers; and

8 “(B) does not include rapid transit oper-
9 ations within an urban area that are not con-
10 nected to the general rail system of transpor-
11 tation.”.

12 (f) HIGH-SPEED RAIL CORRIDOR DEVELOPMENT.—
13 Section 26106 of title 49, United States Code, is amend-
14 ed—

15 (1) in subsection (a), by adding at the end the
16 following: “In carrying out the program, the Sec-
17 retary may designate high-speed rail corridors.”;

18 (2) in subsection (b)—

19 (A) in paragraph (1), by striking “or Am-
20 trak” and inserting “Amtrak, or a consortium
21 of a private entity and one or more of any of
22 the entities listed in this paragraph”;

23 (B) in paragraph (2), by striking the pe-
24 riod at the end and inserting “before the date
25 of the enactment of MAP-21 (Public Law 112-

1 141) or a corridor designated by the Secretary
2 under subsection (a).”;

3 (C) by striking paragraph (4); and

4 (D) by redesignating paragraphs (5) and
5 (6) as paragraphs (4) and (5), respectively;

6 (3) in subsection (e)—

7 (A) in paragraph (2)—

8 (i) in subparagraph (B)(i)—

9 (I) in subclause (I), by adding
10 “and” at the end; and

11 (II) in subclause (II), by striking
12 “and” at the end;

13 (ii) in subparagraph (B)(ii)(IV), by
14 inserting “and” at the end; and

15 (iii) in subparagraph (C)(i)—

16 (I) in subclause (II) by inserting
17 “, including where a grant will sup-
18 port the plans of an Interstate Pas-
19 senger Rail Commission or other enti-
20 ty with the goal of developing a re-
21 gional passenger rail system involving
22 2 or more States” before the semi-
23 colon;

1 (II) in subclause (IV), by insert-
2 ing “electrification or” after “in-
3 volve”; and

4 (III) in subclause (V), by striking
5 the semicolon and inserting “, includ-
6 ing as a result of transit-oriented de-
7 velopment, connectivity between areas
8 of high-economic development and
9 areas with a low cost of living, or the
10 agglomeration of effects along a pas-
11 senger rail corridor;”;

12 (IV) in subclause (VI) by striking
13 “and” at the end;

14 (V) by redesignating subclause
15 (VII) as subclause (IX); and

16 (VI) by inserting after subclause
17 (VI) the following:

18 “(VII) impacts associated with
19 equity, resilience, sustainability, eco-
20 nomic development and climate;

21 “(VIII) ability to serve an eligible
22 place, as such term is defined in sec-
23 tion 41731; and”; and

24 (B) in paragraph (3)—

1 (i) by striking “The Secretary” and
2 inserting “(A) The Secretary”; and

3 (ii) by adding at the end the fol-
4 lowing:

5 “(B) The Secretary shall not establish
6 mandatory spending timelines for costs and ac-
7 tivities associated with the project.”;

8 (4) in the heading of subsection (f), by striking
9 “FEDERAL SHARE” and inserting “FUNDING”;

10 (5) in subsection (f),

11 (A) by striking “The Federal share” and
12 all that follows and inserting “(1) FEDERAL
13 SHARE.—With respect to the net capital cost of
14 a project financed under this section, the Fed-
15 eral share of such cost may be up to 100 per-
16 cent.”; and

17 (B) by adding at the end the following new
18 paragraph:

19 “(2) NON-FEDERAL SHARE.—

20 “(A) The Secretary shall prioritize financ-
21 ing capital projects in high-speed rail corridors
22 with respect to which at least 20 percent of the
23 project net capital cost is funded through speci-
24 fied financial sources.

1 “(B) In this section, the term ‘specified fi-
2 nancial source’ means—

3 “(i) the Railroad Rehabilitation and
4 Improvement Finance program under
5 chapter V of the Railroad Revitalization
6 and Regulatory Reform Act of 1976 (45
7 U.S.C. 821 et seq.);

8 “(ii) the transportation infrastructure
9 finance and innovation program in chapter
10 6 of title 23;

11 “(iii) funding provided by the govern-
12 ment of a country that is adjacent to the
13 international border of the United States
14 through which the proposed corridor will
15 cross;

16 “(iv) a State, local, or private source;
17 or

18 “(v) any combination of the sources
19 described in clauses (i) through (v).

20 “(C) For any funds derived from the pro-
21 grams described in clauses (i) or (ii) of sub-
22 paragraph (B) that are used to finance costs
23 associated with capital projects in high-speed
24 rail corridors, such funds shall be repaid from
25 State, local, or private sources.”;

1 (6) by striking subsection (g) and inserting the
2 following:

3 “(g) PRESIDENTIAL BORDER PERMITS.—With re-
4 spect to any project that requires construction, connection,
5 operation, or maintenance, at the international boundaries
6 of the United States, the Secretary of State shall provide
7 the applicant of such project with the necessary Presi-
8 dential permits required for such project, unless the Sec-
9 retary of State determines that the provision of such per-
10 mit would not be in the interest of national security.”; and

11 (7) by striking subsection (h) and inserting the
12 following:

13 “(h) PROJECTS OR ACTIVITIES FOR HIGHER-SPEED
14 RAIL.—

15 “(1) IN GENERAL.—With respect to grants
16 awarded under this section, the Secretary may
17 award not more than 20 percent of grants under
18 this section for projects or activities for higher-speed
19 rail.

20 “(2) RELEVANT REQUIREMENTS.—With respect
21 to grants under paragraph (1), the Secretary may
22 apply requirements for high-speed rail to projects or
23 activities for higher-speed rail, where applicable.”.

24 (g) ADVANCE ACQUISITION.—

1 (1) IN GENERAL.—Chapter 242 of title 49,
2 United States Code, is amended by inserting after
3 section 24202 the following:

4 **“§ 24203. Advance acquisition**

5 “(a) RAIL CORRIDOR PRESERVATION.—The Sec-
6 retary may allow a recipient of a grant under this part
7 or part D of this subtitle for a passenger rail project to
8 acquire right-of-way and adjacent real property interests
9 before or during the completion of the environmental re-
10 views for a project that may use such property interests
11 if the acquisition is otherwise permitted under Federal
12 law.

13 “(b) CERTIFICATION.—Before authorizing advance
14 acquisition under this section, the Secretary shall verify
15 that—

16 “(1) the recipient has authority to acquire the
17 real property interest;

18 “(2) the acquisition of the real property inter-
19 est—

20 “(A) is for a transportation purpose;

21 “(B) will not cause significant adverse en-
22 vironmental impact;

23 “(C) will not limit the choice of reasonable
24 alternatives for the proposed project or other-

1 wise influence the decision of the Secretary on
2 any approval required for the project;

3 “(D) does not prevent the lead agency
4 from making an impartial decision as to wheth-
5 er to accept an alternative that is being consid-
6 ered;

7 “(E) complies with other applicable Fed-
8 eral laws and regulations; and

9 “(F) will not result in elimination or re-
10 duction of benefits or assistance to a displaced
11 person required by the Uniform Relocation As-
12 sistance and Real Property Acquisition Policies
13 Act of 1970 (42 U.S.C. 4601 et seq.) and title
14 VI of the Civil Rights Act of 1964 (42 U.S.C.
15 2000d et seq.).

16 “(c) ENVIRONMENTAL REVIEWS.—

17 “(1) COMPLETION OF NEPA REVIEW.—Before
18 authorizing Federal funding for an acquisition of a
19 real property interest, the Secretary shall complete
20 all review processes otherwise required under the
21 National Environmental Policy Act of 1969 (42
22 U.S.C. 4321 et seq.), section 4(f) of the Department
23 of Transportation Act of 1966 (49 U.S.C. 303), and
24 section 106 of the National Historic Preservation
25 Act (16 U.S.C. 470f) with respect to the acquisition.

1 “(2) TIMING OF DEVELOPMENT ACQUISITION.—

2 A real property interest acquired under subsection

3 (a) may not be developed in anticipation of the pro-

4 posed project until all required environmental re-

5 views for the project have been completed.”.

6 (2) CLERICAL AMENDMENT.—The table of sec-

7 tions for chapter 242 of title 49, United States

8 Code, is amended by inserting after the item relating

9 to section 24202 the following:

“24203. Advance acquisition.”.

10 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

11 Section 26104 of title 49, United States Code, is

12 amended—

13 (a) by amending subsection (a) to read as follows:

14 “(a) HIGH-SPEED RAIL CORRIDOR PLANNING.—

15 There is authorized to be appropriated to carry out section

16 26101 \$3,000,000,000 for each of fiscal years 2024

17 through 2028.”;

18 (b) by redesignating subsection (b) as subsection (e);

19 and

20 (c) by inserting after subsection (a) the following:

21 “(b) HIGH-SPEED RAIL TECHNOLOGY IMPROVE-

22 MENTS.—There is authorized to be appropriated to carry

23 out section 26102 \$3,000,000,000 for each of fiscal years

24 2024 through 2028.

1 “(c) HIGH-SPEED RAIL CORRIDOR DEVELOP-
2 MENT.—There is authorized to be appropriated to carry
3 out section 26106 \$35,000,000,000 for each of fiscal years
4 2024 through 2028.

5 “(d) RESTRICTION.—Not more than 20 percent of
6 the total funds made available under sections 26101 and
7 26106 for a fiscal year may be spent on projects or activi-
8 ties for higher-speed passenger trains.”.

9 **SEC. 4. PILOT PROGRAM FOR TRANSIT-ORIENTED DEVELOP-**
10 **OPMENT PLANNING.**

11 Section 20005(b) of the Moving Ahead for Progress
12 in the 21st Century Act (23 U.S.C. 101 note) is amended
13 by adding at the end the following:

14 “(4) SPECIAL CONSIDERATION.—With respect
15 to eligible projects involving high-speed rail corridor
16 development, the Secretary shall give greater consid-
17 eration to communities in which such projects are
18 proposed to occur.

19 “(5) AUTHORIZATIONS OF APPROPRIATIONS.—
20 There is authorized to be appropriated to carry out
21 this subsection \$20,000,000 for each of fiscal years
22 2024 through 2028.”.

23 **SEC. 5. PAYMENTS OF CREDIT RISK PREMIUMS.**

24 Section 22402(f) of title 49, United States Code, is
25 amended by adding at the end the following:

1 “(8) AVAILABILITY OF GRANT AMOUNTS.—
2 Amounts provided under the heading ‘Office of the
3 Secretary—National Infrastructure Investments’ in
4 the Department of Transportation Appropriations
5 Act, 2016 (title I of division L of Public Law 114–
6 113), the Transportation, Housing and Urban De-
7 velopment, and Related Agencies Appropriations
8 Act, 2018 (title I of division L of Public Law 115–
9 141), or any subsequent appropriation Act may be
10 used to pay credit risk premiums under this sub-
11 section.”.

12 **SEC. 6. ACQUIRING FREIGHT TRAIN RIGHT OF WAY.**

13 (a) IN GENERAL.—Chapter 261 of title 49, United
14 States Code, is amended by adding at the end the fol-
15 lowing:

16 **“§ 26107. Acquiring freight rail right-of-way**

17 “(a) SALE OF PROPERTY.—A rail carrier may sell,
18 grant an easement on, or lease real property to a recipient
19 of financial assistance under section 26101 or section
20 26106.

21 “(b) GRANTS FOR ACQUISITION OF ADDITIONAL
22 REAL PROPERTY ALONG RIGHT-OF-WAY.—In the case of
23 a rail carrier that sells, grants an easement, or leases
24 property under subsection (a) and that acquires additional
25 real property along the portion of the right-of-way subject

1 to such sale, grant, or lease, the Secretary of Transpor-
2 tation shall make one or more grants to such rail carrier
3 which, in the aggregate, shall not exceed the aggregate
4 amounts received by such rail carrier pursuant to such
5 sale, grant, or lease.

6 “(c) TAX TREATMENT.—

7 “(1) EXCLUSION OF GAIN, ETC.—Any gain on
8 the sale of any interest in real property described in
9 subsection (a) (including the granting of an ease-
10 ment on such real property), or any payment made
11 under any lease of such real property, shall not be
12 includible in the gross income of such rail carrier for
13 purposes of the Internal Revenue Code of 1986.

14 “(2) EXCLUSION OF GRANT AMOUNTS.—The
15 amount of grant provided under subsection (b) shall
16 not be includible in the gross income of the recipient
17 of such grant for purposes of the Internal Revenue
18 Code of 1986.

19 “(3) EXCLUSION OF CERTAIN CAPITAL IM-
20 PROVEMENTS.—Any capital investment or improve-
21 ment (including turnouts, passing track, signaling,
22 crossings, and barriers) made pursuant to section
23 26101 or section 26106 by a recipient of financial
24 assistance under such section on any real property
25 owned by the rail carrier referred to in subsection

1 (a) shall not be includible in the gross income of
2 such rail carrier for purposes of the Internal Rev-
3 enue Code of 1986.

4 “(d) APPLICABILITY OF LAW.—Section 28103 shall
5 apply to property described in subsection (a).”.

6 (b) CLERICAL AMENDMENT.—The analysis for chap-
7 ter 261 of title 49, United States Code, is amended by
8 adding at the end the following:

“26107. Acquiring freight rail right-of-way.”.

9 **SEC. 7. OPERATORS DEEMED RAIL CARRIERS AND EM-**
10 **PLOYERS.**

11 Section 22905(b) of title 49, United States Code, is
12 amended—

13 (1) in the heading by striking “OPERATORS”
14 and inserting “COVERED PERSONS”;

15 (2) by striking “A person that” and all that fol-
16 lows through “chapter” and inserting “(1) IN GEN-
17 ERAL.—A covered person”;

18 (3) by striking “as defined in Section
19 10102(5)” and all that follows through “applies”
20 and inserting “only for the purposes of making it
21 subject to the laws of the United States referred to
22 in section 10501(c)(3)(A) of title 49, United States
23 Code”;

24 (4) by redesignating paragraphs (1), (2), and
25 (3) as (i), (ii), and (iii); and

1 (5) by adding at the end the following new
2 paragraph:

3 “(2) COVERED PERSON DEFINED.—In this sub-
4 section, the term ‘covered person’—

5 “(A) means—

6 “(i) a person that conducts passenger
7 rail operations over rail infrastructure con-
8 structed or improved with funding provided
9 in whole or in part in a grant made under
10 this chapter; and

11 “(ii) a person that performs work for,
12 or in support of, passenger rail operations
13 that is work performed by employees in
14 crafts and classes recognized under section
15 2 of the Railway Labor Act (45 U.S.C.
16 152);

17 “(B) does not include—

18 “(i) an employer engaged primarily in
19 the building and construction industry (as
20 such term is used in section 8(f) of the
21 National Labor Relations Act (29 U.S.C.
22 158(f))) who is solely performing work as
23 a contractor for a rail carrier;

1 “(ii) an employer solely performing
2 work as a contractor or subcontractor
3 for—

4 “(I) a railroad that owns, uses,
5 or is contracted to perform work on,
6 rail infrastructure constructed or im-
7 proved with funding provided in whole
8 or in part in a grant made under this
9 chapter; or

10 “(II) an operator that uses such
11 infrastructure,
12 consistent with a collective bargaining
13 agreement between the railroad or operator
14 and a union representing employees in a
15 craft or class recognized under section 2 of
16 the Railway Labor Act (45 U.S.C. 152).”.