

117TH CONGRESS
1ST SESSION

H. R. 1845

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

MARCH 11, 2021

Mr. MOULTON (for himself, Ms. DELBENE, Mr. BRENDAN F. BOYLE of Pennsylvania, and Mr. MICHAEL F. DOYLE of Pennsylvania) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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 of title
11 49, United States Code, is amended by striking “such”
12 and all that follows and inserting “comprehensive, per-
13 formance-based regulations for all high-speed rail projects.
14 Such regulations shall not inhibit interoperability within
15 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’—

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

tromagnetic guideways providing transportation service which is—

“(i) reasonably expected to reach sustained speeds of more than 110 miles per hour but less than 186 miles per hour; and

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

“(B) does not include rapid transit operations within an urban area that are not connected to the general rail system of transportation.”.

(f) HIGH-SPEED RAIL CORRIDOR DEVELOPMENT.—

Section 26106 of title 49, United States Code, is amended—

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

(2) in subsection (b)—

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

(B) in paragraph (2), by striking the period at the end and inserting “before the date of the enactment of MAP–21 (Public Law 112–

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

3 (C) in paragraph (4), by striking “of at
4 least 110 miles per hour” and inserting “of 186
5 miles per hour or more”;

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;

(II) in subclause (IV), by inserting “electrification or” after “involve”; and

(III) in subclause (V), by striking the semicolon and inserting “, including as a result of transit-oriented development, connectivity between areas of high-economic development and areas with a low cost of living, or the agglomeration of effects along a passenger rail corridor.”;

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

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

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

“(VII) impacts associated with equity, resilience, sustainability, economic development and climate

“(VIII) ability to serve an eligible place, as such term is defined in section 41731; and”; and

(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) INTERSTATE COMPACTS.—Section 410(b)(2) of
25 the Amtrak Reform and Accountability Act of 1997 (49

1 U.S.C. 24101 note) is amended by striking “(except funds
2 made available for Amtrak)”.

3 (h) ADVANCE ACQUISITION.—

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

7 **“§ 24203. Advance acquisition**

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

16 “(b) CERTIFICATION.—Before authorizing advance
17 acquisition under this section, the Secretary shall verify
18 that—

19 “(1) the recipient has authority to acquire the
20 real property interest;

21 “(2) the acquisition of the real property inter-
22 est—

23 “(A) is for a transportation purpose;

24 “(B) will not cause significant adverse en-
25 vironmental impact;

1 “(C) will not limit the choice of reasonable
2 alternatives for the proposed project or other-
3 wise influence the decision of the Secretary on
4 any approval required for the project;

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

9 “(E) complies with other applicable Fed-
10 eral laws and regulations; and

11 “(F) will not result in elimination or re-
12 duction of benefits or assistance to a displaced
13 person required by the Uniform Relocation As-
14 sistance and Real Property Acquisition Policies
15 Act of 1970 (42 U.S.C. 4601 et seq.) and title
16 VI of the Civil Rights Act of 1964 (42 U.S.C.
17 2000d et seq.).

18 “(c) ENVIRONMENTAL REVIEWS.—

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

1 section 106 of the National Historic Preservation
2 Act (16 U.S.C. 470f) with respect to the acquisition.

3 “(2) TIMING OF DEVELOPMENT ACQUISITION.—
4 A real property interest acquired under subsection
5 (a) may not be developed in anticipation of the pro-
6 posed project until all required environmental re-
7 views for the project have been completed.”.

8 (2) CLERICAL AMENDMENT.—The table of sec-
9 tions for chapter 242 of title 49, United States
10 Code, is amended by inserting after the item relating
11 to section 24202 the following:

“24203. Advance acquisition.”.

12 **SEC. 3. AUTHORIZATION OF APPROPRIATIONS.**

13 Section 26104 of title 49, United States Code, is
14 amended—

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

16 “(a) HIGH-SPEED RAIL CORRIDOR PLANNING.—
17 There is authorized to be appropriated to carry out section
18 26101 \$3,000,000,000 for each of fiscal years 2022
19 through 2026.”;

20 (b) by redesignating subsection (b) as subsection (e);
21 and

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

23 “(b) HIGH-SPEED RAIL TECHNOLOGY IMPROVE-
24 MENTS.—There is authorized to be appropriated to carry

1 out section 26102 \$3,000,000,000 for each of fiscal years
 2 2022 through 2026.

3 “(c) HIGH-SPEED RAIL CORRIDOR DEVELOP-
 4 MENT.—There is authorized to be appropriated to carry
 5 out section 26106 \$35,000,000,000 for each of fiscal years
 6 2022 through 2026.

7 “(d) RESTRICTION.—Not more than 20 percent of
 8 the total funds made available under sections 26101 and
 9 26106 for a fiscal year may be spent on projects or activi-
 10 ties for higher-speed passenger trains.”.

11 **SEC. 4. PILOT PROGRAM FOR TRANSIT-ORIENTED DEVEL-**
 12 **OPMENT PLANNING.**

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

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

21 “(5) AUTHORIZATIONS OF APPROPRIATIONS.—
 22 There is authorized to be appropriated to carry out
 23 this subsection \$20,000,000 for each of fiscal years
 24 2022 through 2026.”.

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

2 Section 502(f) of the Railroad Revitalization and
3 Regulatory Reform Act of 1976 (45 U.S.C. 822) is
4 amended by adding at the end the following:

5 “(5) AVAILABILITY OF GRANT AMOUNTS.—

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

16 “(6) REFUND OF PREMIUM.—The Secretary
17 shall repay the credit risk premium required under
18 this subsection not later than 60 days after the date
19 on which all obligations attached to each such loan
20 have been satisfied.”.

21 **SEC. 6. PRIVATE ACTIVITY BONDS.**

22 (a) NATIONAL LIMITATION.—Section 142(m)(2)(A)
23 of the Internal Revenue Code of 1986 is amended by strik-
24 ing “\$15,000,000,000” and inserting “\$30,000,000,000”.

1 (b) EFFECTIVE DATE.—The amendment made by
 2 subsection (a) shall apply to allocations made on or after
 3 the date of the enactment of this Act.

4 **SEC. 7. ACQUIRING FREIGHT TRAIN RIGHT OF WAY.**

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

8 **“§ 26107. Acquiring freight rail right-of-way**

9 “(a) SALE OF PROPERTY.—A rail carrier may sell,
 10 grant an easement on, or lease real property to a recipient
 11 of financial assistance under section 26101 or section
 12 26106.

13 “(b) GRANTS FOR ACQUISITION OF ADDITIONAL
 14 REAL PROPERTY ALONG RIGHT-OF-WAY.—In the case of
 15 a rail carrier that sells, grants an easement, or leases
 16 property under subsection (a) and that acquires additional
 17 real property along the portion of the right-of-way subject
 18 to such sale, grant, or lease, the Secretary of Transpor-
 19 tation shall make one or more grants to such rail carrier
 20 which, in the aggregate, shall not exceed the aggregate
 21 amounts received by such rail carrier pursuant to such
 22 sale, grant, or lease.

23 “(c) TAX TREATMENT.—

24 “(1) EXCLUSION OF GAIN, ETC.—Any gain on
 25 the sale of any interest in real property described in

1 subsection (a) (including the granting of an ease-
 2 ment on such real property), or any payment made
 3 under any lease of such real property, shall not be
 4 includible in the gross income of such rail carrier for
 5 purposes of the Internal Revenue Code of 1986.

6 “(2) EXCLUSION OF GRANT AMOUNTS.—The
 7 amount of grant provided under subsection (b) shall
 8 not be includible in the gross income of the recipient
 9 of such grant for purposes of the Internal Revenue
 10 Code of 1986.

11 “(3) EXCLUSION OF CERTAIN CAPITAL IM-
 12 PROVEMENTS.—Any capital investment or improve-
 13 ment (including turnouts, passing track, signaling,
 14 crossings, and barriers) made pursuant to section
 15 26101 or section 26106 by a recipient of financial
 16 assistance under such section on any real property
 17 owned by the rail carrier referred to in subsection
 18 (a) shall not be includible in the gross income of
 19 such rail carrier for purposes of the Internal Rev-
 20 enue Code of 1986.

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

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

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

1 **SEC. 8. OPERATORS DEEMED RAIL CARRIERS AND EM-**
2 **PLOYERS.**

3 Section 22905(b) of title 49, United States Code, is
4 amended—

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

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

10 (3) by striking “as defined in Section
11 10102(5)” and all that follows through “applies”
12 and inserting “only for the purposes of making it
13 subject to the laws of the United States referred to
14 in section 10501(c)(3)(A) of title 49, United States
15 Code”;

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

18 (5) by adding at the end the following new
19 paragraph:

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

22 “(A) means—

23 “(i) a person that conducts passenger
24 rail operations over rail infrastructure con-
25 structed or improved with funding provided

1 in whole or in part in a grant made under
2 this chapter; and

3 “(ii) a person that performs work for,
4 or in support of, passenger rail operations
5 that is work performed by employees in
6 crafts and classes recognized under section
7 2 of the Railway Labor Act (45 U.S.C.
8 152);

9 “(B) does not include—

10 “(i) an employer engaged primarily in
11 the building and construction industry (as
12 such term is used in section 8(f) of the
13 National Labor Relations Act (29 U.S.C.
14 158(f))) who is solely performing work as
15 a contractor for a rail carrier;

16 “(ii) an employer solely performing
17 work as a contractor or subcontractor
18 for—

19 “(I) a railroad that owns, uses,
20 or is contracted to perform work on,
21 rail infrastructure constructed or im-
22 proved with funding provided in whole
23 or in part in a grant made under this
24 chapter; or

1 “(II) an operator that uses such
2 infrastructure,
3 consistent with a collective bargaining
4 agreement between the railroad or operator
5 and a union representing employees in a
6 craft or class recognized under section 2 of
7 the Railway Labor Act (45 U.S.C. 152).”.

○