



(Original Signature of Member)

119TH CONGRESS
2D 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 financial
2 source’ means—

3 “(A) the Railroad Rehabilitation and Improve-
4 ment Finance program under chapter V of the Rail-
5 road Revitalization and Regulatory Reform Act of
6 1976 (45 U.S.C. 821 et seq.);

7 “(B) the transportation infrastructure finance
8 and innovation program in chapter 6 of title 23;

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

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

14 “(E) any combination of the sources described
15 in subparagraphs (A) through (D).

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

21 (2) in subsection (b)—

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

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

25 (3) in subsection (c)—

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

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

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

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

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

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

13 “(d) 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 (e) HIGH-SPEED RAIL TECHNOLOGY IMPROVE-
25 MENTS.—Section 26102 of title 49, United States Code,

1 is amended by adding at the end the following new sub-
2 section:

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

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

14 (e) **DEFINITIONS.**—Section 26105 of title 49, United
15 States Code, is amended—

16 (1) in paragraph (2), by striking “of more than
17 125 miles per hour” and inserting “of 186 miles per
18 hour or more”;

19 (2) in paragraph (5), by striking “and” at the
20 end;

21 (3) in paragraph (6), by striking the period at
22 the end and inserting “; and”; and

23 (4) by adding at the end the following para-
24 graph:

25 “(7) the term ‘higher-speed rail’—

1 “(A) means all forms of nonhighway
2 ground transportation that run on rails or elec-
3 tromagnetic guideways providing transportation
4 service which is—

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

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

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

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

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

20 (2) in subsection (b)—

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

1 (B) in paragraph (2), by striking the pe-
2 riod at the end and inserting “before the date
3 of the enactment of MAP–21 (Public Law 112–
4 141) or a corridor designated by the Secretary
5 under subsection (a).”;

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

7 (D) by redesignating paragraphs (5) and
8 (6) as paragraphs (4) and (5), respectively;
9 (3) in subsection (e)—

10 (A) in paragraph (2)—

11 (i) in subparagraph (B)(i)—

12 (I) in subclause (I), by adding
13 “and” at the end; and

14 (II) in subclause (II), by striking
15 “and” at the end;

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

18 (iii) in subparagraph (C)(i)—

19 (I) in subclause (II) by inserting
20 “, including where a grant will sup-
21 port the plans of an Interstate Pas-
22 senger Rail Commission or other enti-
23 ty with the goal of developing a re-
24 gional passenger rail system involving

1 2 or more States” before the semi-
2 colon;

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

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

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

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

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

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

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

1 (B) in paragraph (3)—

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

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

6 “(B) The Secretary shall not establish manda-
7 tory spending timelines for costs and activities asso-
8 ciated with the project.”;

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

11 (5) in subsection (f)—

12 (A) by striking “The Federal share” and
13 all that follows and inserting the following:

14 “(1) FEDERAL SHARE.—With respect to the net
15 capital cost of a project financed under this section,
16 the Federal share of such cost may be up to 100
17 percent.”; and

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

20 “(2) NON-FEDERAL SHARE.—

21 “(A) The Secretary shall prioritize financ-
22 ing capital projects in high-speed rail corridors
23 with respect to which at least 20 percent of the
24 project net capital cost is funded through speci-
25 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 2027
17 through 2031.”;

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 2027 through 2031.

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. LABOR PROTECTIONS AND WORKFORCE DEVELOP-**
10 **MENT.**

11 (a) IN GENERAL.—Section 22905 of title 49, United
12 States Code, is amended—

13 (1) by redesignating subsections (e) through (f)
14 as subsections (d) through (g), respectively; and

15 (2) by striking subsection (b) and inserting the
16 following:

17 “(b) OPERATORS AND CERTAIN RAILROAD TRANS-
18 PORTATION SERVICE PROVIDERS DEEMED RAIL CAR-
19 RIERS AND EMPLOYERS FOR CERTAIN PURPOSES.—A
20 person that—

21 “(1) conducts passenger or freight rail oper-
22 ations over, or

23 “(2) performs work for, or in support of pas-
24 senger rail operations that is work performed by em-
25 ployees in railroad industry crafts and classes recog-

1 nized under paragraph Ninth of Section 2 of the
2 Railway Labor Act (45 U.S.C. §152 Ninth) on rail
3 infrastructure constructed or improved with funding
4 provided in whole or in part in a grant made under
5 this chapter

6 shall be considered a rail carrier, and an employer only
7 for the purposes of making it subject to the laws of the
8 United States referred to in section 10501(c)(3)(A) of title
9 49 of the U.S. Code, and therefore shall be subject to:
10 (i) the Railroad Retirement Act of 1974 (45 U.S.C. 231
11 et seq.), (ii) the Railway Labor Act (45 U.S.C. 151 et
12 seq.), and (iii) the Railroad Unemployment Insurance Act
13 (45 U.S.C. 351 et seq.) but is not deemed to be a rail
14 carrier for the purposes of, or subject to, any other law
15 of the United States.

16 “(c) Notwithstanding section (b) above—

17 “(1) An employer engaged primarily in the
18 building and construction industry, as that term is
19 used in Section 8 (f) of the National Labor Rela-
20 tions Act (29 U.S.C. 158(f)) that is performing con-
21 struction work as a contractor for a rail carrier shall
22 not itself be considered a rail carrier solely as a re-
23 sult of performance of that work and shall be per-
24 mitted to perform the work with employees who are
25 not covered by (i) the Railroad Retirement Act of

1 1974 (45 U.S.C. 231 et seq.); (ii) the Railway Labor
2 Act (45 U.S.C. 151 et seq.); and (iii) the Railroad
3 Unemployment Insurance Act (45 U.S.C. 351 et
4 seq.)

5 The exception described in clause (1) does not apply to
6 the performance of railroad maintenance and repair work
7 that is, and has been, historically and customarily per-
8 formed by employees in railroad industry crafts and class-
9 es recognized under 45 U.S.C. §152 Ninth;

10 “(2) An employer performing work as a con-
11 tractor or subcontractor for:

12 “(A) a railroad that owns, uses, or is con-
13 tracted to perform work on, rail infrastructure
14 constructed or improved with funding provided
15 in whole or in part in a grant made under this
16 chapter, or

17 “(B) an Operator that uses such infra-
18 structure—

19 shall not itself be considered a rail carrier solely as
20 a result of performance of that work, and shall be
21 permitted to perform the work with employees who
22 are not covered by (i) the Railroad Retirement Act
23 of 1974 (45 U.S.C. 231 et seq.) (ii) the Railway
24 Labor Act (45 U.S.C. 151 et seq.); and (iii) the
25 Railroad Unemployment Insurance Act (45 U.S.C.

1 351 et seq.). when such work is performed con-
2 sistent with a collective bargaining agreement be-
3 tween the railroad or Operator and a union rep-
4 resenting employees in a railroad industry craft or
5 class recognized under paragraph Ninth of Section 2
6 of the Railway Labor Act (45 U.S.C. §152 Ninth)
7 covering work performed by that craft or class.”.

8 (b) CONFORMING AMENDMENTS.—Section 22909(j)
9 of title 49, United States Code, is amended—

10 (1) in paragraph (1) by striking “section
11 22905(f)” and inserting “section 22905(g)”;

12 (2) in paragraph (3)(A)—

13 (A) by striking “section 22905(e)(1)” and
14 inserting “section 22905(f)(1)”; and

15 (B) by striking “section 22905(c)(2)(B)”
16 and inserting “section 22905(d)(2)(B)”.