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To establish a program to facilitate development of high-speed rail transportation in the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 1993

Mr. DINGELL (for himself, Mr. SWIFT, Ms. SCHENK, Mr. MOORHEAD, Mr. UPTON, Mrs. COLLINS of Illinois, Mr. WYDEN, Mr. ROWLAND, Mr. MANTON, Mr. CARR, Mr. DURBIN, Mr. FOGLIETTA, Mrs. UNSOELD, and Ms. CANTWELL) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To establish a program to facilitate development of high-speed rail transportation in the United States, 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 That this Act may be cited as the “High-Speed Rail Devel-
4 opment Act of 1993”.

5 **SECTION 1. FINDINGS.**

6 The Congress finds that—

7 (1) high-speed rail passenger transportation
8 (high-speed rail) may offer a safe and efficient alter-

1 native to aviation and motor vehicle travel for inter-
2 city transportation in certain corridors linking major
3 metropolitan areas in the United States;

4 (2) high-speed rail may have environmental ad-
5 vantages over certain other forms of intercity trans-
6 portation;

7 (3) Amtrak's Metroliner service between Wash-
8 ington, District of Columbia, and New York, New
9 York, the United States' premier high-speed rail
10 service, has shown that Americans will use high-
11 speed rail when that transportation option is avail-
12 able;

13 (4) high-speed rail may help relieve congestion
14 experienced in densely travelled corridors;

15 (5) high-speed rail should be developed in those
16 intercity corridors where such service is appropriate;

17 (6) new high-speed rail service should not re-
18 ceive Federal subsidies for operating and mainte-
19 nance expenses;

20 (7) the States and localities should take the
21 prime responsibility for the implementation of high-
22 speed rail service;

23 (8) the private sector should participate in
24 funding the development of meritorious high-speed
25 rail systems;

1 (9) in some intercity corridors, Federal finan-
2 cial capital assistance is required to supplement the
3 financial commitments of State and local govern-
4 ments and the private sector to ensure the develop-
5 ment of the infrastructure required by meritorious
6 high-speed rail systems;

7 (10) new technologies can facilitate the develop-
8 ment of high-speed rail in the United States;

9 (11) the development of these technologies can
10 expand the competitiveness of United States indus-
11 try in the development of high-speed rail systems in
12 this country and overseas; and

13 (12) Federal assistance is required for research,
14 development and demonstration of these tech-
15 nologies.

16 **SEC. 2. NATIONAL HIGH-SPEED RAIL ASSISTANCE PRO-**
17 **GRAM.**

18 The Railroad Revitalization and Regulatory Reform
19 Act of 1976 (45 U.S.C. 801 et seq.) is amended by adding
20 at the end thereof the following:

21 “TITLE X HIGH-SPEED RAIL ASSISTANCE

22 “DESIGNATION OF CORRIDORS

23 “SEC. 1001. (a) The Secretary is authorized to des-
24 ignate as a high-speed rail corridor (HSR Corridor) any
25 corridor that serves two or more major metropolitan areas

1 in the United States where the Secretary determines that
2 high-speed rail offers the potential for cost-effective inter-
3 city public transportation as part of the Nation's transpor-
4 tation system.

5 “(b) Designations made by the Secretary under sub-
6 section (a) of this section shall be in response to a petition
7 from the governor(s) of a State or States that substan-
8 tially encompass the proposed corridor.

9 “(c) Any petition submitted pursuant to subsection
10 (b) of this section shall include such information as the
11 Secretary determines to be necessary to evaluate the mer-
12 its of that corridor, including designation of a public agen-
13 cy to be responsible for coordination of activities under
14 this title and legally able to enter into financial assistance
15 agreements under sections 1002(c) and 1003(a) of this
16 title.

17 “(d) A decision by the Secretary to designate a HSR
18 Corridor under subsection (a) of this section shall be based
19 on such criteria as the Secretary deems appropriate, in-
20 cluding—

21 “(1) the integration of the HSR Corridor into
22 Statewide and metropolitan area transportation
23 planning undertaken pursuant to sections 134 and
24 135 of title 23, United States Code;

1 “(2) the interconnection of the proposed high-
2 speed rail service with other parts of the Nation’s
3 transportation system, including the relationship of
4 the proposed service to multimodal terminals;

5 “(3) the support and participation in the pro-
6 posed development of the HSR Corridor of the cities
7 which it would serve;

8 “(4) the effect of the proposed high-speed rail
9 service on the congestion of other modes of transpor-
10 tation;

11 “(5) the financial commitments of the State
12 and local governments and the private sector to de-
13 velopment of high-speed rail service;

14 “(6) the effect of the proposed service on State
15 and local governments’ efforts to attain compliance
16 with the Clean Air Act;

17 “(7) the anticipated level of ridership;

18 “(8) the estimated capital cost of the proposed
19 system;

20 “(9) the ability of the projected revenues of the
21 proposed service, including any financial commit-
22 ments of the State or local governments, to cover
23 capital costs and operating and maintenance ex-
24 penses;

1 “(10) the support of any owners and operators
2 of existing rail facilities proposed for improvement in
3 developing high-speed rail service;

4 “(11) if a State proposes to develop the HSR
5 Corridor through the award of a franchise to con-
6 struct and operate a proposed high-speed rail sys-
7 tem, the award and active implementation of such a
8 franchise and the involvement and support of the
9 holders of that franchise; and

10 “(12) the effect of the proposed high-speed rail
11 service on other transportation services in operation
12 or under development.

13 “(e) The Secretary shall, upon application of the
14 governor(s) of a State or States, designate as a HSR Cor-
15 ridor any intercity rail corridor designated as a high-speed
16 rail corridor by the Secretary under section 1010 of the
17 Intermodal Surface Transportation Efficiency Act of 1991
18 (23 U.S.C. 104(d)(2)).

19 “(f) The Secretary shall designate as a HSR Corridor
20 any intercity rail corridor, other than the mainline of the
21 corridor improved under title VII of this Act, that includes
22 a significant segment where regularly scheduled rail pas-
23 senger service operates at speeds in excess of one hundred
24 miles per hour on the date of enactment of the High-Speed
25 Rail Development Act of 1993, upon application of the

1 governor(s) of the State or States in which such corridor
2 is located.

3 “CORRIDOR MASTER PLANS

4 “SEC. 1002. (a) A public agency designated under
5 subsection 1001(c) of this title and seeking financial as-
6 sistance for development of a HSR Corridor designated
7 by the Secretary and eligible for funding under section
8 1003 of this title shall prepare and submit to the Sec-
9 retary a corridor master plan for that corridor.

10 “(b) The corridor master plan prepared under sub-
11 section (a) of this section shall identify a coordinated pro-
12 gram of improvements to permit the establishment of
13 high-speed rail service in the corridor, including those im-
14 provements necessary to achieve high-speed service and
15 not eligible for financial assistance under section 1003(c)
16 of this title. Such plan shall include—

17 “(1) identification of how the proposed high-
18 speed rail service relates to the statewide and metro-
19 politan area transportation plans for the affected
20 State(s) and metropolitan areas;

21 “(2) identification of the specific elements that
22 comprise the program to achieve the high-speed
23 service, including their estimated costs, schedules,
24 timing and relationship with other projects and how
25 these elements fit into a plan to achieve high-speed
26 service;

1 “(3) identification of the transportation benefits
2 that would be derived from each element including
3 reductions in trip times and increases in average
4 speeds and top speeds;

5 “(4) identification of specific improvements that
6 comprise each element, the eligibility of such im-
7 provements for financial assistance under section
8 1003(c) of this title, and a proposed allocation of fi-
9 nancial responsibility for specific improvements, in-
10 cluding proposed sources of funding;

11 “(5) identification of anticipated levels of rider-
12 ship and projections of revenues and expenses asso-
13 ciated with the proposed high-speed rail service when
14 completed and for each major increment undertaken
15 to achieve high-speed service including estimates of
16 any operating subsidies that would be required and
17 the sources of such subsidies;

18 “(6) an operating plan for the project, as de-
19 signed, identifying the proposed schedule and fre-
20 quency of the proposed high-speed service and show-
21 ing the coordination of the service with any other
22 rail operations on the corridor; and

23 “(7) such other information as may be required
24 by the Secretary.

1 State by law, regulation, or order prohibits the use of
2 State and/or local funds for the construction and/or oper-
3 ation of such improvements.

4 “(b) The Secretary shall establish appropriate terms,
5 conditions, and procedures for the provision of financial
6 assistance under this section.

7 “(c) Improvements eligible for financial assistance
8 under subsection (a) of this section shall be those improve-
9 ments to the infrastructure of an HSR Corridor, other
10 than the acquisition of rolling stock, that are necessary
11 to facilitate the development of high-speed service and that
12 are not eligible for funding under other Federal transpor-
13 tation programs, and which include—

14 “(1) final engineering and design;

15 “(2) site specific environmental analyses;

16 “(3) acquisition of right-of-way and related
17 property;

18 “(4) acquisition, construction, rehabilitation or
19 replacement of roadbed, structure, track, guideway,
20 signal and communications systems, electric traction
21 systems, propulsion or guidance systems incor-
22 porated as part of a guideway, maintenance-of-way
23 facilities, maintenance-of-equipment facilities, pri-
24 vate highway-rail grade crossings (including pay-
25 ments to property owners to close crossings where

1 appropriate) not eligible for funding under sections
2 130 and 133(b)(4) of title 23, United States Code,
3 those portions of terminals and stations directly re-
4 lated to the operation of the high-speed rail intercity
5 service, and environmental mitigation associated
6 with development of high-speed rail service.

7 “(d) An agreement may not be entered into under
8 subsection (a) of this section unless it provides for the
9 completion of at least an element of a program to achieve
10 high-speed rail service, including portions thereof not eligi-
11 ble for financial assistance under subsection (c) of this
12 section.

13 “(e) In entering into any agreement to provide finan-
14 cial assistance under subsection (a) of this section, the
15 Secretary shall ensure that such agreement includes the
16 maximum practicable private funding for any element of
17 a program to achieve high-rail service that is the subject
18 of such agreement.

19 “(f) In entering into any agreement to provide finan-
20 cial assistance under subsection (a) of this section, the
21 Secretary may provide financial assistance for up to 80
22 per centum of the cost of specific eligible improvements
23 to be funded under the agreement; *Provided however*, That
24 no less than 20 per centum of the cost of such improve-
25 ments shall be provided by State and/or local funds and

1 that the overall financial assistance provided by the Sec-
2 retary under the agreement shall not exceed 50 per cen-
3 tum of the public share of the element funding. The public
4 share of an element's funding consists of its total cost
5 minus the maximum practicable private funding for such
6 element.

7 “(g) In determining whether to enter into a financial
8 assistance agreement to fund an element of a program to
9 improve a HSR Corridor, the Secretary shall consider how
10 the element to be funded under such agreement meets the
11 criteria identified in subsection 1001(d) of this title, the
12 information contained in the corridor master plan, the
13 transportation benefits to be derived from the element, the
14 level of financial commitments by the State and/or local
15 governments and/or private entities to fund the subject
16 element, commitments by the State and/or local govern-
17 ments and/or private entities to ensure completion of the
18 element, commitments by State and/or local governments
19 to fund any increases in the operating deficit of the Na-
20 tional Railroad Passenger Corporation that result from
21 operation over the HSR Corridor after the element is com-
22 pleted, and such other information that the Secretary
23 deems appropriate.

24 “(h) The Secretary may provide financial assistance
25 under subsection (a) of this section for a element not con-

1 tained on an approved corridor master plan prepared
2 under section 1002 of this title only if a financial assist-
3 ance agreement for such improvement is entered into prior
4 to thirty months from the date of enactment of the High-
5 Speed Rail Development Act of 1993.

6 “HIGH-SPEED RAIL TECHNOLOGY DEVELOPMENT

7 “SEC. 1004. (a) The Secretary is authorized to un-
8 dertake research and development of steel-wheel-on-rail
9 technologies for commercial application in high-speed rail
10 service in the United States.

11 “(b) In carrying out activities authorized in sub-
12 section (a) of this section, the Secretary may enter into
13 financial assistance agreements with any United States
14 private business, educational institution, State or local
15 government, public authority or agency of the Federal
16 Government.

17 “DEFINITIONS

18 “SEC. 1005. (a) The term ‘high-speed rail’ means rail
19 passenger transportation capable of operating at sustained
20 speeds of one hundred and twenty-five miles per hour or
21 greater.

22 “(b) The term ‘element’ as used in sections 1002 and
23 1003 of this title means a discrete portion of a program
24 to develop a HSR Corridor that has a demonstrable inter-
25 city ground transportation benefit independent of other
26 improvements to such corridor.

1 “(c) The term ‘State or local funds’ as used in this
2 title means funds generally available to State or local gov-
3 ernments to fund transportation projects excluding any
4 payments or contributions to State and/or local govern-
5 ments or authorities from holders of a franchise or other
6 private parties with an interest in the development or op-
7 eration of the high-speed rail system.

8 “(d) The term ‘financial assistance agreement’ means
9 various forms of arrangements to provide financial assist-
10 ance, including grants, contracts or cooperative agree-
11 ments.”.

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

13 (a) There are authorized to be appropriated to the
14 Secretary of Transportation for the National High-Speed
15 Rail Assistance Program authorized under sections 1002
16 and 1003 of title X of the Railroad Revitalization and
17 Regulatory Reform Act of 1976, such sums as may be nec-
18 essary for each of fiscal years 1994, 1995, 1996, 1997,
19 and 1998.

20 (b) There are authorized to be appropriated to the
21 Secretary for high-speed rail technology development au-
22 thorized under section 1004 of title X of the Railroad Re-
23 vitalization and Regulatory Reform Act of 1976, such
24 sums as may be necessary for each of fiscal years 1994,
25 1995, 1996, 1997, and 1998.

1 (c) Section 601 of the Rail Passenger Service Act (45
2 U.S.C. 601) is amended by deleting paragraph (a)(1) and
3 inserting in lieu thereof, the following—

4 “There are authorized to be appropriated to the Sec-
5 retary for the benefit of the Corporation for making cap-
6 ital expenditures under title VII of the Railroad Revital-
7 ization and Regulatory Reform Act of 1976 (45 U.S.C.
8 851 et seq.), such sums as may be necessary for each of
9 fiscal years 1994, 1995, 1996, 1997, and 1998.”.

10 (d) Of the amounts authorized to be appropriated
11 under subsections (a) and (b) of this section, the Secretary
12 of Transportation may reserve the funds necessary for
13 payment of the administrative expenses incurred by the
14 Secretary in carrying out the Secretary’s responsibilities
15 under this title.

16 (e) Of the amounts authorized to be appropriated
17 under subsection (a) of this section, the Secretary of
18 Transportation may reserve up to 1 per centum for the
19 purpose of providing financial assistance to the public
20 agencies designated under section 1001(c) and responsible
21 for coordination of activities under this title on those cor-
22 ridors designated by the Secretary under section 1001(a).
23 This financial assistance may provide for up to 80 per cen-
24 tum of costs deemed eligible by the Secretary that are in-
25 curred by the public agencies in carrying out their respon-

1 sibilities under such sections 1002 and 1003 of this title,
2 such sums to be apportioned among the eligible public
3 agencies through a formula established by the Secretary.

4 (f) Financial assistance provided under subsection (e)
5 of this section shall be provided only pursuant an agree-
6 ment between the Secretary and a public agency whose
7 responsibility encompasses in whole or in part a HSR Cor-
8 ridor designated as such by the Secretary and eligible for
9 financial assistance under sections 1002 and 1003 of this
10 title.

11 (g) Funds made available under this section shall re-
12 main available until expended.

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