

[Report No. 110-690] AN ACT

TITLE V--HIGH-SPEED RAIL

SEC. 501. HIGH-SPEED RAIL CORRIDOR PROGRAM.

(a) In General- Chapter 261 is amended by adding at the end thereof the following:

Sec. 26106. High-speed rail corridor program

(a) In General- The Secretary of Transportation shall establish and implement a high-speed rail corridor program.

(b) Definitions- In this section, the following definitions apply:

(1) APPLICANT- The term `applicant' means a State, a group of States, an Interstate Compact, a public agency established by one or more States and having responsibility for providing high-speed rail service, or Amtrak.

(2) CORRIDOR- The term `corridor' means a corridor designated by the Secretary pursuant to section 104(d)(2) of title 23.

(3) CAPITAL PROJECT- The term `capital project' means a project or program in a State rail plan developed under chapter 225 of this title for acquiring, constructing, improving, or inspecting equipment, track, and track structures, or a facility of use in or for the primary benefit of high-speed rail service, expenses incidental to the acquisition or construction (including designing, engineering, location surveying, mapping, environmental studies, and acquiring rights-of-way), payments for the capital portions of rail trackage rights agreements, highway-rail grade crossing improvements related to high-speed rail service, mitigating environmental impacts, communication and signalization improvements, relocation assistance, acquiring replacement housing sites, and acquiring, constructing, relocating, and rehabilitating replacement housing.

“(4) HIGH-SPEED RAIL- The term ‘high-speed rail’ means intercity passenger rail service that is reasonably expected to reach speeds of at least 110 miles per hour.

“(5) INTERCITY PASSENGER RAIL SERVICE- The term ‘intercity passenger rail service’ means transportation services with the primary purpose of passenger transportation between towns, cities, and metropolitan areas by rail, including high-speed rail, as defined in section 24102 of this title.

“(6) SECRETARY- The term ‘Secretary’ means the Secretary of Transportation.

“(7) STATE- The term ‘State’ means any of the 50 States or the District of Columbia.

“(c) General Authority- The Secretary may make grants under this section to an applicant to finance capital projects in high-speed rail corridors.

“(d) Applications- Each applicant seeking to receive a grant under this section to develop a high-speed rail corridor shall submit to the Secretary an application in such form and in accordance with such requirements as the Secretary shall establish.

“(e) Competitive Grant Selection and Criteria for Grants-

“(1) IN GENERAL- The Secretary shall--

“(A) establish criteria for selecting among projects that meet the criteria specified in paragraph (2);

“(B) conduct a national solicitation for applications; and

“(C) award grants on a competitive basis.

“(2) GRANT CRITERIA- The Secretary may approve a grant under this section for a project only if the Secretary determines that the project--

“(A) is part of a State rail plan developed under chapter 225 of this title, or under the plan required by section 302 of the Passenger Rail Investment and Improvement Act of 2008;

“(B) is based on the results of preliminary engineering;

“(C) has the legal, financial, and technical capacity to carry out the project; and

“(D) is justified based on the ability of the project--

“(i) to generate national economic benefits, including creating jobs, expanding business opportunities, and impacting the gross domestic product;

“(ii) to increase mobility of United States citizens and reduce congestion, including impacts in the State, region, and Nation; and

“(iii) to otherwise enhance the national transportation system.

“(3) PROJECT SELECTION CRITERIA- In selecting a project under this section, the Secretary shall consider the extent to which the project--

“(A) makes a substantial contribution to providing the infrastructure and equipment required to complete a high-speed rail corridor;

“(B) leverages Federal investment by encouraging non-Federal financial commitments, including evidence of stable and dependable financing sources to construct, maintain, and operate the high-speed rail corridor and service; and

“(C) helps protect the environment.

“(f) Federal Share- The Federal share of the cost of a project financed under this section shall not exceed 80 percent of the project net capital cost.

“(g) Issuance of Regulations- Not later than 1 year after the date of enactment of this section, the Secretary shall issue regulations for carrying out this section.

“(h) Authorization- There are authorized to be appropriated to the Secretary to carry out this section \$350,000,000 for each of fiscal years 2009 through 2013.”.

(b) Table of Sections Amendment- The table of sections for chapter 261 is amended by adding after the item relating to section 26105 the following new item:

“26106. High-speed rail corridor program.”.

SEC. 502. ADDITIONAL HIGH-SPEED PROJECTS.

(a) Solicitation of Proposals-

(1) IN GENERAL-

(A) **NORTHEAST CORRIDOR-** Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall issue a request for proposals for projects for the financing, design, construction, and operation of an initial high-speed rail system operating between Washington, DC, and New York City. Such proposals shall be submitted to the Secretary not later than 150 days after the publication of such request for proposals.

(B) **OTHER PROJECTS-** After a report is transmitted under subsection (e) with respect to projects described in subparagraph (A), the Secretary of Transportation may issue a request for proposals for additional projects for the financing, design, construction, and operation of a high-speed rail system operating on any other corridor in the United States. Such proposals shall be submitted to the Secretary not later than 150 days after the publication of such request for proposals.

(2) CONTENTS- A proposal submitted under paragraph (1) shall include--

(A) the names and qualifications of the persons submitting the proposal;

(B) a detailed description of the proposed route and its engineering characteristics and of all infrastructure improvements required to achieve the planned operating speeds and trip times;

(C) how the project would comply with Federal rail safety regulations which govern the track and equipment safety requirements for high-speed rail operations;

(D) the peak and average operating speeds to be attained;

(E) the type of equipment to be used, including any technologies for--

(i) maintaining an operating speed the Secretary determines appropriate; or

(ii) in the case of a proposal submitted under paragraph (1) (A), achieving less than 2-hour express service between Washington, DC, and New York City;

(F) the locations of proposed stations, identifying, in the case of a proposal submitted under paragraph (1) (A), a plan allowing for station stops at or in close proximity to the busiest Amtrak stations;

(G) a detailed description of any proposed legislation needed to facilitate the project;

(H) a financing plan identifying--

(i) sources of revenue;

(ii) the amount of any proposed public contribution toward capital costs or operations;

(iii) ridership projections;

(iv) the amount of private investment;

(v) projected revenue;

(vi) annual operating and capital costs;

(vii) the amount of projected capital investments required (both initially and in subsequent years to maintain a state of good repair); and

(viii) the sources of the private investment required, including the identity of any person or entity that has made or is expected to make a commitment to provide or secure funding and the amount of such commitment;

(I) a description of how the project would contribute to the development of a national high-speed rail system, and an intermodal plan describing how the system will connect with other transportation links;

(J) labor protections that would comply with the requirements of section 504;

(K) provisions to ensure that the proposal will be designed to operate in harmony with existing and projected future intercity, commuter, and freight service;

(L) provisions for full fair market compensation for any asset, property right or interest, or service acquired from, owned, or held by a private person or non-Federal entity that would be acquired, impaired, or diminished in value as a result of a project, except as otherwise agreed to by the private person or entity; and

(M) a detailed description of the environmental impacts of the project, and how any adverse impacts would be mitigated.

(3) DOCUMENTS- Documents submitted or developed pursuant to this subsection shall not be subject to section 552 of title 5, United States Code.

(b) Determination of Cost Effectiveness and Establishment of Commissions- Not later than 60 days after receipt of a proposal under subsection (a), the Secretary of Transportation shall--

(1) make a determination as to whether the proposal is cost effective; and

(2) for each corridor for which one or more cost effective proposals are received, establish a commission under subsection (c).

(c) Commissions-

(1) MEMBERS- The commission referred to in subsection (b)(2) shall consist of--

(A) the governor of the affected State or States, or their respective designees;

(B) a rail labor representative, a representative from a rail freight carrier using the relevant corridor, and a commuter authority using the relevant corridor, appointed by the Secretary of Transportation, in consultation with the chairman and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate;

(C) the Secretary of Transportation or his designee;

(D) the president of Amtrak or his designee; and

(E) the mayors of the three largest municipalities serviced by the proposed high-speed rail corridor.

(2) CHAIRPERSON AND VICE-CHAIRPERSON SELECTION- The Chairperson and Vice Chairperson shall be elected from among members of the Commission.

(3) QUORUM AND VACANCY-

(A) QUORUM- A majority of the members of the Commission shall constitute a quorum.

(B) VACANCY- Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner in which the original appointment was made.

(d) Commission Consideration-

(1) IN GENERAL- Each commission established under subsection (b)(2) shall be responsible for reviewing the proposal or proposals with respect to which the commission was established, and not later than 90 days after the establishment of the commission, shall transmit to the Secretary, and to the chairman and ranking minority member of the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate, a report which includes--

(A) a summary of each proposal received;

(B) a ranking of the order of the proposals according to cost effectiveness, advantages over existing services, projected revenue, and cost and benefit to the public and private parties;

(C) an indication of which proposal or proposals are recommended by the commission; and

(D) an identification of any proposed legislative provisions which would facilitate implementation of the recommended project.

(2) VERBAL PRESENTATION- Proposers shall be given an opportunity to make a verbal presentation to the commission to explain their proposals.

(e) Selection by Secretary- Not later than 60 days after receiving a report from a commission under subsection (d)(1), the Secretary of Transportation shall transmit to the Congress a report that ranks all of the recommended proposals according to cost effectiveness, advantages over existing services, projected revenue, and cost and benefit to the public and private parties.

(f) Northeast Corridor Economic Development Study- Not later than 9 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the results of an economic development study of Amtrak's Northeast Corridor service between Washington, DC, and New York City. Such study shall examine how to achieve maximum utilization of the Northeast Corridor as a transportation asset, including--

- (1) maximizing the assets of the Northeast Corridor for potential economic development purposes;
- (2) real estate improvement and financial return;
- (3) improved intercity, commuter, and freight services;
- (4) optimum utility utilization in conjunction with potential separated high-speed rail passenger services; and
- (5) any other means of maximizing the economic potential of the Northeast Corridor.

SEC. 503. HIGH-SPEED RAIL STUDY.

Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall conduct--

- (1) an alternatives analysis of the Secretary's December 1, 1998, extension of the designation of the Southeast High-Speed Rail Corridor as authorized under section 104(d)(2) of title 23, United States Code;
- and (2) a feasibility analysis regarding the expansion of the South Central High-Speed Rail Corridor to the Port of Houston, Texas;
- (3) a feasibility analysis regarding the expansion of the South Central High-Speed Rail Corridor to Memphis, Tennessee; and
- (4) a feasibility analysis regarding the expansion of the South Central High-Speed Rail Corridor south of San Antonio to a location in far south Texas to be chosen at the discretion of the Secretary.

These analyses shall consider changes that have occurred in the region's population, anticipated patterns of population growth, connectivity with other modes of transportation, ability of the designation to reduce regional traffic congestion, and the ability of current and proposed routings to meet the needs of tourists. The Secretary shall submit recommendations to the Committee on

Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and conduct a redesignation of one or both corridors if necessary.