

103D CONGRESS  
1ST SESSION

# S. 839

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

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## IN THE SENATE OF THE UNITED STATES

APRIL 28 (legislative day, APRIL 19), 1993

Mr. HOLLINGS (for himself, Mr. EXON, and Mr. LAUTENBERG) (by request) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## 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   **SEC. 2. FINDINGS.**

6       The Congress finds that—

7               (1) high-speed rail passenger transportation  
8       (high-speed rail) may offer a safe and efficient alter-  
9       native to aviation and motor vehicle travel for inter-

1 city transportation in certain corridors linking major  
2 metropolitan areas in the United States;

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

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

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

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

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

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

22 (8) the private sector should participate in  
23 funding the development of meritorious high-speed  
24 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. 3. 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          “**SEC. 1001. DESIGNATION OF CORRIDORS.**

23          “(a) The Secretary is authorized to designate as a  
 24          high-speed rail corridor (HSR Corridor) any corridor that  
 25          serves two or more major metropolitan areas in the United

1 States where the Secretary determines that high-speed rail  
2 offers the potential for cost effective intercity public trans-  
3 portation as part of the Nation's transportation system.

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

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

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

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

24 “(2) the interconnection of the proposed high-  
25 speed rail service with other parts of the Nation's

1 transportation system, including the relationship of  
2 the proposed service to multimodal terminals;

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

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

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

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

15 “(7) the anticipated level of ridership;

16 “(8) the estimated capital cost of the proposed  
17 system;

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

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

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

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

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

16       “(f) The Secretary shall designate as a HSR Corridor  
17      any intercity rail corridor, other than the mainline of the  
18      corridor improved under title VII of this Act, that includes  
19      a significant segment where regularly scheduled rail pas-  
20      senger service operates at speeds in excess of 100 miles  
21      per hour on the date of enactment of the High-Speed Rail  
22      Development Act of 1993, upon application of the  
23      Governor(s) of the State or States in which such corridor  
24      is located.

1 **“SEC. 1002. CORRIDOR MASTER PLAN.**

2 “(a) A public agency designated under subsection  
3 1001(c) of this title and seeking financial assistance for  
4 development of a HSR Corridor designated by the Sec-  
5 retary and eligible for funding under section 1003 of this  
6 title shall prepare and submit to the Secretary a corridor  
7 master plan for that corridor.

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

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

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

25 “(3) identification of the transportation benefits  
26 that would be derived from each element including

1 reductions in trip times and increases in average  
2 speeds and top speeds;

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

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

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

21 “(7) such other information as may be required  
22 by the Secretary.

23 “(c) The Secretary is authorized to enter into an  
24 agreement with the public agency preparing a corridor  
25 master plan to fund up to 80 percent of the eligible costs



1 associated with preparation of such plan; *Provided, how-*  
 2 *ever,* That at least 20 percent of such eligible costs shall  
 3 be funded with State or local funds. Eligible costs associ-  
 4 ated with preparation of a corridor master plan shall in-  
 5 clude design, environmental and route selection analysis,  
 6 preliminary engineering necessary to support such analy-  
 7 ses, and any other analyses that the Secretary determines  
 8 are required to prepare such a plan.

9 “(e) An action by the Secretary under this section  
 10 shall not constitute a commitment to fund any element  
 11 or improvement contained in such corridor master plan.

12 **“SEC. 1003. FINANCIAL ASSISTANCE FOR HIGH-SPEED RAIL**  
 13 **CORRIDORS.**

14 “(a) The Secretary may enter into a financial assist-  
 15 ance agreement with a public agency designated under  
 16 subsection 1001(c) of this title to fund eligible improve-  
 17 ments to the infrastructure of a HSR Corridor designated  
 18 under section 1001(a) of this title for the purpose of facili-  
 19 tating the development of high-speed rail service; *Pro-*  
 20 *vided, however,* That no financial assistance shall be pro-  
 21 vided under this title for improvements to the main line  
 22 of a corridor improved under title VII of this Act, or for  
 23 improvements to a corridor in a State where the State by  
 24 law, regulation, or order prohibits the use of State and/

1 or local funds for the construction and/or operation of  
2 such improvements.

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

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

13 “(1) final engineering and design;

14 “(2) site specific environmental analyses;

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

17 “(4) acquisition, construction, rehabilitation or  
18 replacement of roadbed, structures, track, guideway,  
19 signal and communications systems, electric traction  
20 systems, propulsion or guidance systems incor-  
21 porated as part of a guideway, maintenance-of-way  
22 facilities, maintenance-of-equipment facilities, pri-  
23 vate highway-rail grade crossings (including pay-  
24 ments to property owners to close crossings where  
25 appropriate) not eligible for funding under sections

1        130 and 133(b)(4) of title 23, United States Code,  
2        those portions of terminals and stations directly re-  
3        lated to the operation of the high-speed rail intercity  
4        service, and environmental mitigation associated  
5        with development of high-speed rail service.

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

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

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

1 under the agreement shall not exceed 50 percent of the  
2 public share of the element funding. The public share of  
3 an element's funding consists of its total cost minus the  
4 maximum practicable private funding for such element.

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

22       “(h) The Secretary may provide financial assistance  
23 under subsection (a) of this section for a element not con-  
24 tained on an approved corridor master plan prepared  
25 under section 1002 of this title only if a financial assist-

1   ance agreement for such improvement is entered into prior  
2   to 30 months from the date of enactment of the High-  
3   Speed Rail Development Act of 1993.

4   **“SEC. 1004. HIGH-SPEED RAIL TECHNOLOGY DEVELOP-**  
5                   **MENT.**

6           “(a) The Secretary is authorized to undertake re-  
7   search and development of steel-wheel-on-rail technologies  
8   for commercial application in high-speed rail service in the  
9   United States.

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

16   **“SEC. 1005. DEFINITIONS.**

17          “(a) The term ‘high-speed rail’ means rail passenger  
18   transportation capable of operating at sustained speeds of  
19   125 miles per hour or greater.

20          “(b) The term ‘element’ as used in sections 1002 and  
21   1003 of this title means a discrete portion of a program  
22   to develop a HSR Corridor that has a demonstrable inter-  
23   city ground transportation benefit independent of other  
24   improvements to such corridor.

1       “(c) The term ‘State or local funds’ as used in this  
2 title means funds generally available to States 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. 4. 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—“There are au-  
4 thorized to be appropriated to the Secretary for the benefit  
5 of the Corporation for making capital expenditures under  
6 title VII of the Railroad Revitalization and Regulatory Re-  
7 form Act of 1976 (45 U.S.C. 851 et seq.), such sums as  
8 may be necessary for each of fiscal years 1994, 1995,  
9 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 percent for the pur-  
19 pose of providing financial assistance to the public agen-  
20 cies designated under section 1001(c) and responsible for  
21 coordination of activities under this title on those corridors  
22 designated by the Secretary under section 1001(a). This  
23 financial assistance may provide for up to 80 percent of  
24 costs deemed eligible by the Secretary that are incurred  
25 by the public agencies in carrying out their responsibilities

1 under such sections 1002 and 1003 of this title, such sums  
2 to be apportioned among the eligible public agencies  
3 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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