

HR 4123 IH

110th CONGRESS

1st Session

**H. R. 4123**

To provide for the creation of a National High-Speed Rail Authority.

**IN THE HOUSE OF REPRESENTATIVES**

**November 8, 2007**

Mr. COSTA introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

**A BILL**

To provide for the creation of a National High-Speed Rail Authority.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. SHORT TITLE.**

This Act may be cited as the 'High-Speed Rail Authority Development and Formation Act'.

**SEC. 2. FINDINGS.**

Congress finds the following:

- (1) The Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA) (Public Law 102-240) discussed high-speed rail as part of an

intermodal transportation system for the United States, and directed the Department of Transportation to `lead and coordinate Federal efforts in the research and development of high-speed ground transportation technologies in order to foster implementation of magnetic levitation and high-speed steel wheel on rail transportation systems as alternatives to existing transportation systems.'

(2) The Department of Transportation has designated eleven high-speed rail corridors in the United States.

(3) High-speed rail development will be a state-of-the-art transportation system that will have impact on climate change.

(4) High-speed rail is an efficient, practical, and less polluting transportation mode that can fill the gap between future demand and present capacity.

(5) High-speed rail will greatly reduce carbon dioxide emissions by reducing vehicle travel and make major contributes to efforts to reduce greenhouses gas emissions and combat global warming.

(6) High-speed rail will drastically reduce the traffic congestion currently plaguing our Nation's busiest highway systems.

(7) Most of the high-speed rail tracks will be at ground level, only needing a minimum path 50 feet wide, comparable to a new two-lane road with shoulders, but providing 20 times the transportation capacity.

(8) The future growth of the United States will require multimodal transportation to ease travel across the country.

(9) High-speed rail can provide a viable alternative to airspace capacity problems the Federal Aviation Administration admits it cannot solve in the Los Angeles to Bay Area air corridor. High-speed rail will have comparable and often shorter travel times when compared to air travel on trips 200 to 500 miles in length, allowing it to significantly reduce airspace congestion.

(10) The only current fast train lines in the country only average a speed of 82.2 miles per hour.

(11) Rail track will be fully grade-separated from road traffic with

bridges or underpasses.

(12) At peak travel times, trains can be expanded to accommodate more passengers than the current congested highway system.

(13) The Federal Government has traditionally participated in significant infrastructure improvements such as the Transcontinental Railroad, Interstate Highway System, and the Tennessee Valley Authority, as well as our Nation's port and harbor systems.

(14) The economic strength and development of our Nation has been led by advances in transportation projects, such as the Erie Canal, Transcontinental Railroad, Interstate Highway System, and airports.

(15) Improving the linkage of major metropolitan areas across the country using rail systems can bring great economic growth.

(16) Expanding the Nation's highways and airports is costly, and constrained by environmental restrictions.

(17) High-speed rail construction will yield millions of jobs throughout the country.

(18) Advances in rail technology have allowed high-speed rail systems in Europe and Japan to attain speeds of up to 357 miles per hour and provide a much needed alternative for trips in the 200 to 500-mile range.

(19) The Shinkansen high-speed trains in Japan carry over 300,000,000 passengers a year, and the system's 1,540 miles of track continues to expand due to demand for travel.

(20) High-speed rail will save up to tens of millions of barrels of oil per year.

### **SEC. 3. PURPOSE.**

The purpose of this Act is to establish the National High-Speed Rail Authority--

(1) to further planning, development, and construction of high-speed

rail systems in the United States;

(2) to create a 21st century intermodal transportation system;

(3) to alleviate the air and highway congestion plaguing our Nation;  
and

(4) to develop an environmentally friendly mass transportation system.

## **SEC. 4. DEFINITIONS.**

In this Act:

(1) ADMINISTRATOR- The term `Administrator' means the head of the Authority appointed under section 5(c)(1).

(2) ADVISORY COMMITTEE- The term `Advisory Committee' means the Policy Advisory Committee established under section 7(a)(1).

(3) AUTHORITY- The term `Authority' means the National High-Speed Rail Authority established by section 5(a).

(4) HIGH-SPEED RAIL- The term `high-speed rail' means passenger rail transportation operated at an average speed of 120 miles per hour over at least 20 miles.

## **SEC. 5. NATIONAL HIGH-SPEED RAIL AUTHORITY.**

(a) Establishment- There is established, as an agency within the Department of Transportation, the National High-Speed Rail Authority.

(b) Mission- The mission of the Authority shall be to encourage and assist with planning, development, and construction of high-speed rail systems in the United States.

(c) Administrator; Associate Administrator-

(1) ADMINISTRATOR-

(A) APPOINTMENT-

(i) IN GENERAL- The Authority shall be headed by an Administrator, who shall be appointed by the President, by and with advice and consent of the Senate.

(ii) BASIS OF APPOINTMENT- In appointing an individual to serve as Administrator, the President--

(I) shall consider--

(aa) the professional qualifications of the individual;

(bb) the professional background of the individual; and

(cc) the length of experience of the individual in positions of management or rail development; and

(II) shall not consider the political affiliation of the individual.

(B) TERM OF OFFICE-

(i) IN GENERAL- Subject to clause (ii), the term of office of an Administrator shall be 6 years.

(ii) REMOVAL-

(I) REMOVAL BY PRESIDENT- The President may remove an Administrator from the Authority based on just cause, as determined by the President.

(II) COMMUNICATION OF CAUSE- In removing an Administrator from the Authority, the President shall communicate to Congress each reason for removal.

(C) PAY- Section 5313 of title 5, United States Code, is amended by adding at the end of the following:

` Administrator, National High-Speed Rail Authority.'

(D) AUTHORITY OF ADMINISTRATOR-

(i) IN GENERAL- The Administrator shall be responsible for carrying out all functions, powers, and duties of the Authority relating to--

(I) the appointment and employment of all officers and employees of the Authority (other than Presidential and political appointees);

(II) the acquisition and maintenance of property, services, and equipment of the Authority;

(III) the activities of the Authority;

(IV) the promulgation of regulations to carry out the functions of the Authority; and

(V) the publishing of regulations, rules, orders, circulars, bulletins, and other official publications of the Authority.

(ii) LIMITATION ON RULEMAKING AUTHORITY- The Administrator shall not make any modifications to high-speed rail standards or related standards in effect on the date of enactment of this Act that would result in no planning, development, or construction of high-speed rail systems.

(iii) ORGANIZATION OF AUTHORITY-

(I) IN GENERAL- Subject to subclause (II), the Administrator may establish, alter, consolidate, or discontinue organizational units or components within the Authority as the Administrator determines to be necessary.

(II) LIMITATION OF AUTHORITY- The Administrator shall not--

(aa) abolish any organizational unit or component established by this Act; or

(bb) transfer any function vested by this Act in any organizational unit or component.

(E) DUTIES OF ADMINISTRATOR-

(i) IN GENERAL- The Administrator shall--

(I) plan, direct, and conduct high-speed rail development activities;

(II) provide for the widest appropriate dissemination of information concerning the activities of the Authority and the results of those activities;

(III) improve existing high-speed rail technologies or develop new high-speed rail technologies, as well as work with designated corridors to find the best high-speed rail technology for the corridor; and

(IV) conduct studies of--

(aa) the potential benefits gained, such as reduced air traffic, highway congestion, and reduced air pollution; and

(bb) the door-to-door times comparing high-speed rail to short-haul airline trips.

(ii) OBJECTIVES- The high-speed rail development activities of United States carried out by the Administrator or carried out with financial assistance from the Administrator shall be conducted so as to contribute significantly to 1 or both of the following objectives:

(I) Expansion of knowledge about high-speed rail technologies and the use of those technologies.

(II) The most effective use of engineering resources of the United States, with close cooperation among all interested agencies of the United States so as to avoid duplication of effort, facilities, and equipment.

(2) ASSOCIATE ADMINISTRATOR-

(A) APPOINTMENT- There shall be in the Authority an Associate

Administrator, who shall be appointed by the Administrator.

(B) BASIS OF APPOINTMENT- In appointing an Associate Administrator, the Administrator--

(i) shall consider--

(I) the professional qualifications of the individual;

(II) the scientific or professional background of the individual; and

(III) the length of experience of the individual in positions of management or research and development; and

(ii) shall not consider the political affiliation of the individual.

(C) TERM OF OFFICE-

(i) IN GENERAL- Subject to clause (ii), the term of office of an Associate Administrator shall be 4 years.

(ii) REMOVAL-

(I) REMOVAL BY ADMINISTRATOR- The Administrator may remove an Associate Administrator from the Authority based on just cause, as determined by the Administrator.

(II) COMMUNICATION OF CAUSE- In removing an Associate Administrator from the Authority, the Administrator shall communicate to Congress each reason for removal.

(D) PAY- Section 5314 of title 5, United States Code, is amended by adding at the end the following:

‘ Associate Administrator, National High-Speed Rail Authority.’.

(E) DUTIES- The Associate Administrator shall--

(i) supervise the project development and engineering activities of the Authority;

(ii) exercise such other powers and perform such duties as the Administrator may prescribe; and

(iii) act for, and exercise the powers of, the Administrator during the absence or disability of the Administrator.

(d) Personnel Plan- Not later than 180 days after the date of enactment of this Act, the Administrator shall submit to Congress a personnel plan for the Authority that--

(1) specifies the initial number and qualifications of employees needed for the Authority;

(2) describes the functions and General Service classification and pay rates of the initial employees; and

(3) specifies how the Administrator will adhere to or deviate from the civil service system.

## **SEC. 6. ADMINISTRATIVE POWERS.**

The Administrator shall--

(1) appoint and fix the compensation of such officers and employees as are necessary to carry out the functions of the Authority;

(2) establish the entrance grade for engineering personnel without previous service in the Federal Government at a level up to 2 grades higher than the grade provided for such personnel in the General Schedule (within the meaning of section 5104 of title 5, United States Code) and fix the compensation of the personnel accordingly, as the Administrator considers necessary to recruit specially qualified rail infrastructure, environmental, and industry-related expertise;

(3) acquire, construct, improve, repair, operate, and maintain such offices, such research and development sites and facilities, and such other real and personal property or interests in real and personal property, as the Administrator determines to be necessary for the

performance of the functions of the Authority;

(4) enter into and perform such contracts, leases, cooperative agreements, or other transactions as are necessary in the performance of the duties of the Administrator with any--

(A) agency or instrumentality of the United States;

(B) State, Territory, or possession;

(C) political subdivision of any State, Territory, or possession; or

(D) person, firm, association, corporation, or educational institution;

(5)(A) with the consent of Federal and other agencies, with or without reimbursement, use the services, equipment, personnel, and facilities of those agencies; and

(B) cooperate with other public and private agencies and instrumentalities in the use of services, equipment, personnel, and facilities; and

(6) establish within the Authority such offices and procedures as the Administrator considers appropriate to provide for the greatest possible coordination of the activities of the Authority with related scientific and other activities of other public and private agencies and organizations.

## **SEC. 7. ORGANIZATIONAL STRUCTURE.**

(a) Policy Advisory Committee-

(1) ESTABLISHMENT- There shall be established in the Authority a Policy Advisory Committee.

(2) MEMBERSHIP-

(A) COMPOSITION- The Advisory Committee shall be composed of 12 members, of whom--

(i) 4 members shall be representatives of the rail development and construction community;

(ii) 4 members shall be representatives of--

(I) industries involved in the rail operation; or

(II) the transportation industry; and

(iii) 4 members shall be representatives equally divided between the labor and business communities.

(B) APPOINTMENT- The Speaker of the House of Representatives, the minority leader of the House of Representatives, the majority leader of the Senate, and the minority leader of the Senate shall each appoint 1 member described in clauses (i), (ii), and (iii) of subparagraph (A).

(3) DUTIES- The Advisory Committee shall--

(A) act as a steering committee for the Authority;

(B) advise the Administrator on the formulation of a long-term strategy for achieving the mission of the Authority under section 5 (b); and

(C) assist the Administrator in identifying high-speed rail technologies and initiatives that--

(i) have the potential to decrease air traffic and highway congestion over the long term; and

(ii) should be further explored by the Authority.

(4) STAFF- The Advisory Committee may appoint not more than 24 employees to assist in carrying out the duties of the Advisory Committee, of whom--

(A) 8 shall report to the members appointed under paragraph (2)  
(A)(i);

(B) 8 shall report to the members appointed under paragraph (2)(A)(ii); and

(C) 8 shall report to the members appointed under paragraph (2)(A)(iii).

(5) FACA- The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Advisory Committee.

(b) Office of Administration-

(1) ESTABLISHMENT- There is established in the Authority an Office of Administration.

(2) ASSISTANT ASSOCIATE ADMINISTRATOR- The head of the Office of Administration shall be an Assistant Associate Administrator for the Authority, to be appointed by the Administrator.

(3) DESIGN/BUILD/OPERATE DIVISION-

(A) ESTABLISHMENT- There is established in the Office of Administration a Design/Build/Operate Division.

(B) STAFF- The Design/Build/Operate Division shall be composed of engineers and individuals with expertise in rail design, rail construction, and rail maintenance.

(C) DUTIES- The Design/Build/Operate Division shall--

(i) study the efficiencies of existing and proposed high-speed rail technologies in the United States, with an emphasis on assessing--

(I) the impacts of those technologies on consumers; and

(II) the contributions of those technologies on decreasing air traffic and highway congestion the United States;

(ii) enter into contracts with private or public entities for

the design, construction, and operation of high-speed trains and--

(I) allow contracts to be separated into individual tasks or segments; and

(II) choose the best strategy for each contract package; and

(iii) submit to Congress a report on the results of the study conducted under clause (i).

#### (4) RIGHT-OF-WAY ACQUISITION DIVISION-

(A) ESTABLISHMENT- There is established in the Office of Administration a Right-Of-Way Acquisition Division.

(B) DUTIES- The Right-Of-Way Acquisition Division shall seek out right-of-way acquisitions for construction of high-speed rail lines across the Nation and determine--

(i) the most feasible areas to construct high-speed rail lines; and

(ii) the best way to keep local communities and the public informed.

(5) GENERAL COUNSEL- There is established in the Office of Administration the position of General Counsel, to be appointed by the Administrator, to serve as the chief legal officer of the Authority.

#### (c) Office of Policy, Research, and Development-

(1) ESTABLISHMENT- There is established in the Authority an Office of Policy, Research, and Development.

(2) DUTIES- The Office of Policy, Research, and Development shall--

(A) sponsor, manage, and direct basic and applied research projects, including projects to accelerate the development of high-speed rail technologies from fundamental research to

implementation; and

(B) provide technical guidance to the Administrator.

(3) ASSISTANT ASSOCIATE ADMINISTRATOR- The head of the Office of Policy, Research, and Development shall be an Assistant Associate Administrator for Policy, Research, and Development, to be appointed by the Administrator.

(4) ADMINISTRATION- In carrying out this subsection, the Office of Policy, Research, and Development shall consider the potential benefits of--

(A) a flat organizational structure comprised of project-based teams;

(B) coordination with the private sector; and

(C) organizational models used by other Federal agencies conducting advanced research.

(d) Office of Venture Capital-

(1) ESTABLISHMENT- There is established in the Administration an Office of Venture Capital.

(2) ASSISTANT ASSOCIATE ADMINISTRATOR- The head of the Office of Venture Capital shall be an Assistant Associate Administrator for Venture Capital, to be appointed by the Administrator.

(3) DUTIES- The Office of Venture Capital shall--

(A) accept applications from State and private entities requesting financial assistance for high-speed rail technology proposals;

(B) accept recommendations and input from the Associate Administrator and the Policy Advisory Committee on applications submitted under subparagraph (A); and

(C) from among the applications submitted under subparagraph (A) and taking into account the objectives described in section 5

(c)(1)(E)(ii), award financial assistance to applicants to carry out the proposals that are most likely to develop high-speed rail.

(e) Coordination- The Administrator--

(1) shall ensure that the activities of the Authority are coordinated with the activities of other relevant high-speed rail authorities; and

(2) may carry out projects jointly with other agencies.

## **SEC. 8. INITIAL TECHNOLOGY SOLICITATIONS.**

(a) In General- The Administrator (acting through the Office of Venture Capital and the Office of Policy, Research, and Development) may, based on the criteria described in subsection (b), initiate the development of technologies for--

(1) steel-on-wheel systems;

(2) magnetic levitation systems;

(3) passenger safety;

(4) rolling stock;

(5) operation systems;

(6) energy efficient systems;

(7) zero emission systems;

(8) grade separation;

(9) overpass, underpass, and tunnel construction; and

(10) safe and swift maintenance of trains.

(b) Criteria- In determining which technologies to develop under subsection (a), the Administrator shall consider--

(1) the current status of development of the technology;

(2) the time and costs of efforts needed to bring the technology to full implementation; and

(3) the potential of the technology to contribute to the goals of the Authority.

(c) Report- As soon as practicable after the date of enactment of this Act, but not later than 1 year after the date of enactment of this Act, the Administrator shall submit to Congress a report that--

(1) assesses the potential for the technologies described in subsection (a) to contribute to the goals of the Authority; and

(2) describes the plans of the Authority to develop the technologies under subsection (a).

## **SEC. 9. REPORTS.**

(a) Reports by Administrator-

(1) ACTIVITIES AND ACCOMPLISHMENTS- Semiannually and at such other times as the Administrator considers to be appropriate, the Administrator shall submit to the President a report that describes the activities and accomplishments of the Authority.

(2) REPORT TO CONGRESS- At the time at which the Administrator submits to the President or the Director of the Office of Management and Budget any report relating to any budget information, legislative recommendation, comment on legislation about amounts made available under this Act, or prepared testimony for a congressional hearing, the Administrator shall submit a copy of the information, recommendation, comment, or testimony to each appropriate committee of Congress.

(b) Reports by President- In January of each year, the President shall submit to Congress a report that includes--

(1) a description of the activities and accomplishments of all agencies of the United States in the field of high-speed rail development during the preceding calendar year;

(2) an evaluation of the activities and accomplishments of the Administrator in attaining the objectives of this Act; and

(3) such recommendations for additional legislation as the Administrator or the President considers appropriate for the attainment of the objectives described in this Act.

## **SEC. 10. DESIGNATED HIGH-SPEED RAIL CORRIDORS.**

(a) In General- The Secretary of Transportation and the Administrator shall give priority in allocating funds authorized by section 26104 of title 49, United States Code, and assistance to plan, develop, and construct high-speed rail systems to the following High-Speed Rail Corridors:

(1) California Corridor connecting the San Francisco Bay area and Sacramento to Los Angeles and San Diego.

(2) Chicago Hub Corridor Network with the following spokes:

(A) Chicago to Detroit.

(B) Chicago to Minneapolis/St. Paul, MN, via Milwaukee, WI.

(C) Chicago to Kansas City, MO, via Springfield, IL, and St. Louis, MO.

(D) Chicago to Louisville, KY, via Indianapolis, IN, and Cincinnati, OH.

(E) Chicago to Cleveland, OH, via Toledo, OH.

(F) Cleveland, OH, to Cincinnati, OH, via Columbus, OH.

(3) Empire State Corridor from New York City, NY, through Albany, NY to Buffalo, NY.

(4) Florida High-Speed Rail Corridor from Tampa through Orlando to Miami.

(5) Gulf Coast Corridor from Houston TX, through New Orleans, LA, to Mobile, AL, with a branch from New Orleans, through Meridian, MS,

and Birmingham, AL, to Atlanta, GA.

(6) Keystone Corridor from Philadelphia, PA, through Harrisburg, PA, to Pittsburgh, PA.

(7) Northeast Corridor from Washington, DC, through New York City, NY, New Haven, CT, and Providence, RI, to Boston, MA.

(8) New England Corridor from Boston, MA, to Portland and Auburn, ME, and from Boston, MA, through Concord, NH, and Montpelier, VT, to Montreal, PQ.

(9) Pacific Northwest Corridor from Eugene, OR, through Portland, OR, and Seattle, WA, to Vancouver, BC.

(10) South Central Corridor from San Antonio, TX, through Dallas/Fort Worth to Little Rock, AK, with a branch from Dallas/Fort Worth through Oklahoma City, OK, to Tulsa, OK.

(11) Southeast Corridor from Washington, DC, through Richmond, VA, Raleigh, NC, Columbia, SC, Savannah, GA, and Jesup, GA, to Jacksonville, FL, with a branch from Raleigh, NC, through Charlotte, NC, and Greenville, SC, to Atlanta, GA, a branch from Richmond, to Hampton Roads/Norfolk, VA, and a connecting route between Atlanta, GA, to Jesup, GA.

(b) Matching Funds Requirement-

(1) GENERAL RULE- Except as provided in paragraph (2), assistance under subsection (a) shall be provided only for projects for which at least 50 percent of the funding is provided by non-Federal sources.

(2) EXCEPTION- The Secretary of Transportation and the Administrator may provide assistance under subsection (a) for a project if less than 50 percent of the funding is provided by non-Federal sources if the Secretary or Administrator finds that the public interest is served by making such an exception.

## **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

There are authorized to be appropriated to carry out this Act--

- (1) \$500,000,000 for each of fiscal years 2007 and 2008;
- (2) \$600,000,000 for each of fiscal years 2009 and 2010; and
- (3) \$750,000,000 for each of fiscal years 2011 through 2015.

*END*