

112TH CONGRESS
2D SESSION

H. R. 4361

To promote transportation-oriented development and encourage dedicated revenue sources for urban and regional rail corridor development.

IN THE HOUSE OF REPRESENTATIVES

APRIL 16, 2012

Mr. PETRI (for himself and Mr. LIPINSKI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To promote transportation-oriented development and encourage dedicated revenue sources for urban and regional rail corridor development.

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 “National High Per-
5 formance Passenger Rail Transportation-Oriented Devel-
6 opment Act of 2012”.

7 **SEC. 2. TRANSPORTATION-ORIENTED DEVELOPMENT INI-**
8 **TIATIVE.**

9 (a) ESTABLISHMENT.—The Secretary of Transpor-
10 tation (in this Act referred to as the “Secretary”) shall

1 establish an initiative to promote passenger rail operations
2 and transportation-oriented development by creating in-
3 centives for communities to encourage dedicated revenue
4 sources for urban and regional rail corridor development.

5 (b) IMPLEMENTATION.—The Secretary shall appoint
6 a Planning Developer to oversee implementation of this
7 initiative. The Planning Developer shall report to the Sec-
8 retary.

9 (c) COORDINATING COMMITTEE.—The Secretary
10 shall harmonize planning requirements and direct coordi-
11 nation and administration of the initiative between the
12 Federal Railroad Administration and the Federal Transit
13 Administration. The Secretary shall appoint a Transpor-
14 tation-Oriented Development Coordinating Committee
15 composed of the Planning Developer as Chair, the Admin-
16 istrator of the Federal Railroad Administration, and the
17 Administrator of the Federal Transit Administration.

18 **SEC. 3. FEDERAL INCENTIVES.**

19 (a) QUALIFIED PROJECTS.—

20 (1) CRITERIA.—The Secretary shall establish
21 criteria for the designation of projects qualified for
22 Federal incentives pursuant to this section and the
23 amendments made by this section.

24 (2) TYPES OF PROJECTS THAT MAY QUALIFY.—

25 Projects that may qualify for Federal incentives pur-

1 suant to this section and the amendments made by
2 this section are those that contribute to the genera-
3 tion of revenue by the capture of increasing value
4 from development around station areas, as defined
5 by the Secretary, which are likely to make long-term
6 contributions to rail corridor development funds or
7 similar mechanisms that help finance intercity and
8 urban passenger rail infrastructure or operating ex-
9 penses. Such commercial development or other
10 projects designated as qualified by the Secretary
11 may generate revenue for transportation-oriented de-
12 velopment and rail operations in the region by in-
13 creasing the tax base, promoting job growth, pro-
14 moting cost effectiveness, facilitating intermodal
15 connectivity, combining congestion relief with station
16 development, stimulating economic development, or
17 any other appropriate means. The capture of in-
18 creased value shall be through the establishment of
19 special assessment districts or similar mechanisms,
20 and distribution of revenues shall be through rail
21 corridor development funds or similar mechanisms
22 established within the regions.

23 (3) DESIGNATED COORDINATING AUTHORITY.—
24 The Secretary shall designate a State authority, or
25 regional commission in appropriate regions of the

1 country as defined by the Secretary, that petitions
2 the Secretary to participate in the initiative estab-
3 lished under section 2. Such designated entity shall
4 provide for coordination among stakeholders, local
5 governments, and private developers in the defined
6 region, and shall endorse each project of, and be the
7 lead party in, an application for Federal incentives
8 pursuant to this section and the amendments made
9 by this section.

10 (b) RAILROAD REHABILITATION IMPROVEMENT FI-
11 NANCING.—Section 502 of the Railroad Revitalization and
12 Regulatory Reform Act of 1976 (45 U.S.C. 822) is
13 amended—

14 (1) in subsection (a)—

15 (A) by striking “and” at the end of para-
16 graph (5);

17 (B) by striking the period at the end of
18 paragraph (6) and inserting “; and”; and

19 (C) by adding at the end the following new
20 paragraph:

21 “(7) persons conducting a qualified project (as
22 defined in section 8 of the National High Perform-
23 ance Passenger Rail Transportation-Oriented Devel-
24 opment Act of 2012).”; and

25 (2) in subsection (b)(1)—

1 (A) by striking “and” at the end of sub-
2 paragraph (B);

3 (B) by striking the period at the end of
4 subparagraph (C) and inserting “; or”; and

5 (C) by adding at the end the following new
6 subparagraph:

7 “(D) conduct a qualified project (as de-
8 fined by the Secretary under section 3 of the
9 National High Performance Passenger Rail
10 Transportation-Oriented Development Act of
11 2012.”.

12 (c) TRANSPORTATION INFRASTRUCTURE FINANCE.—
13 Section 601(a)(8) of title 23, United States Code, is
14 amended—

15 (1) by striking “and” at the end of subpara-
16 graph (C);

17 (2) by striking the period at the end of sub-
18 paragraph (D) and inserting “; and”; and

19 (3) by adding at the end the following new sub-
20 paragraph:

21 “(E) a qualified project (as defined by the
22 Secretary under section 3 of the National High
23 Performance Passenger Rail Transportation-
24 Oriented Development Act of 2012).”.

1 (d) APPLICATION PRIORITY.—In general, Federal ap-
2 plications to the Federal Railroad Administration and
3 Federal Transit Administration for railroad projects that
4 participate in the transportation-oriented development
5 program under this Act shall receive a priority for funding
6 in the application decision process.

7 (e) ADMINISTRATIVE COSTS.—For administrative
8 costs to carry out this Act, including contracting with and
9 support for the Planning Developer and transportation-
10 oriented development initial administrative costs of the
11 Federal Railroad Administration and Federal Transit Ad-
12 ministration for the first 5 years, the Secretary may use
13 such funds as necessary which are appropriated for car-
14 rying out chapter 6 of title 23, United States Code.

15 (f) REVENUE NEUTRAL PROGRAM COST.—The Sec-
16 retary may establish a mechanism whereby amounts used
17 under subsection (e) will be repaid to the Secretary for
18 use in carrying out chapter 6 of title 23, United States
19 Code. Repayment shall be derived from a small fee to all
20 recipients of funding provided under subsection (e). The
21 repayment shall commence upon substantial completion of
22 qualified projects.

1 **SEC. 4. TECHNICAL ASSISTANCE.**

2 (a) NATIONAL TECHNICAL ASSISTANCE.—The pro-
3 gram established under this Act shall provide technical as-
4 sistance to the States with respect to—

5 (1) identification of transportation-oriented de-
6 velopment opportunities;

7 (2) establishment of special assessment districts
8 in regions;

9 (3) establishment of rail corridor development
10 funds; and

11 (4) expediting Federal, State, and local regu-
12 latory approvals.

13 (b) STATES AND REGIONS OUTSIDE THE NORTH-
14 EAST CORRIDOR.—The Secretary, through the initiative
15 established by this Act, shall provide technical assistance
16 to the States and regions outside the Northeast Corridor
17 as identified by the Secretary, and shall provide—

18 (1) technical assistance on the establishment of
19 Regional Advisory Committees appropriate to car-
20 rying out the purposes of this Act at the regional
21 level; and

22 (2) technical assistance at the request of a
23 State or qualified entity provided by the Planning
24 Developer that will identify stations and potential
25 stations within a given region, and conduct a pre-
26 liminary survey of property available and potentially

1 available, to maximize development and commercial
2 revenue generation to financially support the devel-
3 opment of a high performance rail passenger cor-
4 ridor.

5 (c) NORTHEAST CORRIDOR.—The Secretary, through
6 the initiative established under this Act, shall provide tech-
7 nical assistance to the States and entities along the North-
8 east Corridor as identified by the Secretary—

9 (1) on the establishment, by the Northeast Cor-
10 ridor Infrastructure and Operations Advisory Com-
11 mission established under section 24905 of title 49,
12 United States Code, of a Northeast Corridor Trans-
13 portation-Oriented Development Working Group,
14 which shall—

15 (A) include outside members with expertise
16 in transportation-oriented development;

17 (B) be chaired by the Planning Developer;
18 and

19 (C) advise the Secretary and the Northeast
20 Corridor Infrastructure and Operations Advi-
21 sory Commission on the ways and means for
22 carrying out the purposes of this Act at the re-
23 gional level; and

24 (2) technical assistance provided by the Plan-
25 ning Developer to the Secretary and identified

1 States and entities, not more than one year after the
2 date of enactment of this Act, that will identify
3 Northeast Corridor stations and potential stations,
4 and conduct a preliminary survey of property avail-
5 able and potentially available, to maximize develop-
6 ment and commercial revenue generation to finan-
7 cially support the creation of a true high-speed rail
8 corridor in the Northeast Corridor.

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