

private sector to ensure the adequate planning, including reasonable estimates of the costs and benefits, of high-speed rail systems;

“(8) improvement of existing technologies can facilitate the development of high-speed rail systems in the United States; and

“(9) Federal assistance is required for the improvement, adaptation, and integration of proven technologies for commercial application in high-speed rail service in the United States.

“(b) PURPOSE.—The purpose of this title [see Short Title of 1994 Amendment note set out under section 20101 of this title] is to encourage farsighted State, local, and private efforts in the analysis and planning for high-speed rail systems in appropriate intercity corridors.”

§ 26102. High-speed rail technology improvements

(a) AUTHORITY.—The Secretary may undertake activities for the improvement, adaptation, and integration of proven technologies for commercial application in high-speed rail service in the United States.

(b) ELIGIBLE RECIPIENTS.—In carrying out activities authorized by subsection (a), the Secretary may provide financial assistance to any United States private business, educational institution located in the United States, State or local government or public authority, or agency of the Federal Government.

(c) CONSULTATION WITH OTHER AGENCIES.—In carrying out activities authorized by subsection (a), the Secretary shall consult with such other governmental agencies as may be necessary concerning the availability of appropriate technologies for commercial application in high-speed rail service in the United States.

(Added Pub. L. 103-440, title I, § 103(a)(2), Nov. 2, 1994, 108 Stat. 4617.)

Editorial Notes

PRIOR PROVISIONS

A prior section 26102 was renumbered section 28102 of this title.

§ 26103. Safety regulations and evaluation

The Secretary—

(1) shall promulgate such safety regulations as may be necessary for high-speed rail services;

(2) shall, before promulgating such regulations, consult with developers of new high-speed rail technologies to develop a method for evaluating safety performance; and

(3) may solicit feedback from relevant safety experts or representatives of rail employees who perform work on similar technology or who may be expected to perform work on new technology, as appropriate.

(Added Pub. L. 103-440, title I, § 103(a)(2), Nov. 2, 1994, 108 Stat. 4618; amended Pub. L. 117-58, div. B, title II, § 22419(a), Nov. 15, 2021, 135 Stat. 749.)

Editorial Notes

AMENDMENTS

2021—Pub. L. 117-58 amended section generally. Prior to amendment, text read as follows: “The Secretary shall promulgate such safety regulations as may be necessary for high-speed rail services.”

§ 26104. Authorization of appropriations

(a) FISCAL YEARS 2006 THROUGH 2013.—There are authorized to be appropriated to the Secretary—

(1) \$30,000,000 for carrying out section 26101; and

(2) \$30,000,000 for carrying out section 26102,

for each of the fiscal years 2006 through 2013.

(b) FUNDS TO REMAIN AVAILABLE.—Funds made available under this section shall remain available until expended.

(Added Pub. L. 103-440, title I, § 103(a)(2), Nov. 2, 1994, 108 Stat. 4618; amended Pub. L. 105-178, title VII, § 7201(a), June 9, 1998, 112 Stat. 469; Pub. L. 109-59, title IX, § 9001(b), Aug. 10, 2005, 119 Stat. 1919; Pub. L. 110-432, div. B, title V, § 501(b), Oct. 16, 2008, 122 Stat. 4960.)

Editorial Notes

AMENDMENTS

2008—Subsec. (a)(1). Pub. L. 110-432 substituted “\$30,000,000” for “\$70,000,000”.

2005—Pub. L. 109-59 amended heading and text of section generally. Prior to amendment, text consisted of subsecs. (a) to (h) relating to authorization of appropriations for fiscal years 1995 through 2001 and availability of funds.

1998—Subsecs. (d) to (h). Pub. L. 105-178 added subsecs. (d) to (g) and redesignated former subsec. (d) as (h).

§ 26105. Definitions

For purposes of this chapter—

(1) the term “financial assistance” includes grants, contracts,¹ cooperative agreements, and other transactions;

(2) the term “high-speed rail” means all forms of nonhighway ground transportation that run on rails or electromagnetic guideways providing transportation service which is—

(A) reasonably expected to reach sustained speeds of more than 125 miles per hour; and

(B) made available to members of the general public as passengers,

but does not include rapid transit operations within an urban area that are not connected to the general rail system of transportation;

(3) the term “publicly financed costs” means the costs funded after April 29, 1993, by Federal, State, and local governments;

(4) the term “Secretary” means the Secretary of Transportation;

(5) the term “State” means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States; and

(6) the term “United States private business” means a business entity organized under the laws of the United States, or of a State, and conducting substantial business operations in the United States.

(Added Pub. L. 103-440, title I, § 103(a)(2), Nov. 2, 1994, 108 Stat. 4618; amended Pub. L. 105-178, title

¹ So in original.

VII, § 7201(b), June 9, 1998, 112 Stat. 470; Pub. L. 109-59, title IX, § 9001(c), Aug. 10, 2005, 119 Stat. 1919.)

Editorial Notes

AMENDMENTS

2005—Par. (1). Pub. L. 109-59 substituted “, cooperative agreements, and other transactions” for “and cooperative agreements”.

1998—Par. (2). Pub. L. 105-178 amended par. (2) generally. Prior to amendment, par. (2) read as follows: “the term ‘high-speed rail’ has the meaning given such term under section 511(n) of the Railroad Revitalization and Regulatory Reform Act of 1976:”.

§ 26106. High-speed rail corridor development

(a) IN GENERAL.—The Secretary of Transportation shall establish and implement a high-speed rail corridor development 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)¹ of title 23.

(3) CAPITAL PROJECT.—The term “capital project” means a project or program in a State rail plan developed under chapter 227 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” has the meaning given the term “intercity rail passenger transportation” in section 24102 of this title.

(6) 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 ac-

cordance 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, in selecting the recipients of high-speed rail development grants to be provided under subsection (c), shall—

(A) require—

(i) that the project be part of a State rail plan developed under chapter 227 of this title, or under the plan required by section 211 of the Passenger Rail Investment and Improvement Act of 2008;

(ii) that the applicant or recipient has or will have the legal, financial, and technical capacity to carry out the project, satisfactory continuing control over the use of the equipment or facilities, and the capability and willingness to maintain the equipment or facilities;

(iii) that the project be based on the results of preliminary engineering studies or other planning, including corridor planning activities funded under section 26101 of this title;

(iv) that the applicant provides sufficient information upon which the Secretary can make the findings required by this subsection;

(v) that if an applicant has selected the proposed operator of its service, that the applicant provide written justification to the Secretary showing why the proposed operator is the best, taking into account costs and other factors;

(vi) that each proposed project meet all safety and security requirements that are applicable to the project under law; and

(vii) that each project be compatible with, and operated in conformance with—

(I) plans developed pursuant to the requirements of section 135 of title 23; and

(II) the national rail plan (if it is available);

(B) select high-speed rail projects—

(i) that are anticipated to result in significant improvements to intercity rail passenger service, including, but not limited to, consideration of the project’s—

(I) levels of estimated ridership, increased on-time performance, reduced trip time, additional service frequency to meet anticipated or existing demand, or other significant service enhancements as measured against minimum standards developed under section 207 of the Passenger Rail Investment and Improvement Act of 2008;

(II) anticipated favorable impact on air or highway traffic congestion, capacity, or safety; and

(ii) for which there is a high degree of confidence that the proposed project is fea-

¹ See References in Text note below.