

(c) CRITERIA FOR DETERMINING FINANCIAL ASSISTANCE.—Selection by the Secretary of recipients of financial assistance under this section shall be based on such criteria as the Secretary considers appropriate, including—

(1) the relationship of the corridor to the Secretary's national high-speed ground transportation policy;

(2) the extent to which the proposed planning focuses on systems which will achieve sustained speeds of 125 mph or greater;

(3) the integration of the corridor into metropolitan area and statewide transportation planning;

(4) the potential interconnection of the corridor with other parts of the Nation's transportation system, including the interconnection with other countries;

(5) the anticipated effect of the corridor on the congestion of other modes of transportation;

(6) whether the work to be funded will aid the efforts of State and local governments to comply with the Clean Air Act (42 U.S.C. 7401 et seq.);

(7) the past and proposed financial commitments and other support of State and local governments and the private sector to the proposed high-speed rail program, including the acquisition of rolling stock;

(8) the estimated level of ridership;

(9) the estimated capital cost of corridor improvements, including the cost of closing, improving, or separating highway-rail grade crossings;

(10) rail transportation employment impacts;

(11) community economic impacts;

(12) the extent to which the projected revenues of the proposed high-speed rail service, along with any financial commitments of State or local governments and the private sector, are expected to cover capital costs and operating and maintenance expenses;

(13) whether a specific route has been selected, specific improvements identified, and capacity studies completed; and

(14) whether the corridor has been designated as a high-speed rail corridor by the Secretary.

(Added Pub. L. 103-440, title I, § 103(a)(2), Nov. 2, 1994, 108 Stat. 4616; amended Pub. L. 109-59, title IX, § 9001(a)(1), Aug. 10, 2005, 119 Stat. 1918; Pub. L. 110-432, div. B, title V, § 501(a), Oct. 16, 2008, 122 Stat. 4959.)

#### REFERENCES IN TEXT

The Clean Air Act, referred to in subsec. (c)(6), is act July 14, 1955, ch. 360, 69 Stat. 322, as amended, which is classified generally to chapter 85 (§ 7401 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 7401 of Title 42 and Tables.

#### PRIOR PROVISIONS

A prior section 26101 was renumbered section 28101 of this title.

#### AMENDMENTS

2008—Pub. L. 110-432, § 501(a)(1), substituted “High-speed rail corridor planning” for “Corridor development” in section catchline.

Subsec. (a). Pub. L. 110-432, § 501(a)(2), substituted “Corridor Planning” for “Corridor Development” in heading.

Subsecs. (a)(1), (b). Pub. L. 110-432, § 501(a)(3), substituted “corridor planning” for “corridor development” wherever appearing.

Subsec. (c)(2). Pub. L. 110-432, § 501(a)(4), substituted “planning” for “development”.

2005—Pub. L. 109-59, § 9001(a)(1)(A), substituted “development” for “planning” in section catchline.

Subsec. (a). Pub. L. 109-59, § 9001(a)(1)(B), substituted “Development” for “Planning” in subsec. heading.

Subsec. (a)(1). Pub. L. 109-59, § 9001(a)(1)(C), substituted “corridor development” for “corridor planning”.

Subsec. (b)(1). Pub. L. 109-59, § 9001(a)(1)(D)(i), inserted “, or if it is an activity described in subparagraph (M)” after “high-speed rail improvements” in introductory provisions.

Pub. L. 109-59, § 9001(a)(1)(C), substituted “corridor development” for “corridor planning” in two places in introductory provisions.

Subsec. (b)(1)(F). Pub. L. 109-59, § 9001(a)(1)(C), substituted “corridor development” for “corridor planning”.

Subsec. (b)(1)(M). Pub. L. 109-59, § 9001(a)(1)(D)(ii)-(iv), added subpar. (M).

Subsec. (b)(2). Pub. L. 109-59, § 9001(a)(1)(C), substituted “corridor development” for “corridor planning”.

Subsec. (c)(2). Pub. L. 109-59, § 9001(a)(1)(E), substituted “development” for “planning”.

#### CONGRESSIONAL FINDINGS; PURPOSE

Pub. L. 103-440, title I, § 102, Nov. 2, 1994, 108 Stat. 4615, provided that:

“(a) FINDINGS.—The Congress finds that—

“(1) high-speed rail offers safe and efficient transportation in certain densely traveled corridors linking major metropolitan areas in the United States;

“(2) high-speed rail may have environmental advantages over certain other forms of intercity transportation;

“(3) Amtrak's Metroliner service between Washington, District of Columbia, and New York, New York, the United States premier high-speed rail service, has shown that Americans will use high-speed rail when that transportation option is available;

“(4) new high-speed rail service should not receive Federal subsidies for operating and maintenance expenses;

“(5) State and local governments should take the prime responsibility for the development and implementation of high-speed rail service;

“(6) the private sector should participate in funding the development of high-speed rail systems;

“(7) in some intercity corridors, Federal planning assistance may be required to supplement the funding commitments of State and local governments and the 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.)

#### PRIOR PROVISIONS

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

### § 26103. Safety regulations

The Secretary shall promulgate such safety regulations as may be necessary for high-speed rail services.

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

### § 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.)

#### 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,<sup>1</sup> 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 VII, § 7201(b), June 9, 1998, 112 Stat. 470; Pub. L. 109-59, title IX, § 9001(c), Aug. 10, 2005, 119 Stat. 1919.)

#### 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)<sup>1</sup> 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 cross-

<sup>1</sup> So in original.

<sup>1</sup> See References in Text note below.