

## **The BRAIN TRAIN Act**

### **Section by Section Overview**

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#### **Section 1. Short Title**

Establishes the short title of the Act as the “Building Rail Across Intercity Networks To Ride Around Interior of the Nation Act,” or the “BRAIN TRAIN Act.”

#### **Section 2. Establishment of Grant Program for High-Performance Intercity Passenger Rail Service**

##### **Subsection (a). Definitions**

Defines an eligible “applicant” for grant funding as Amtrak, a State, a group of States, an interstate compact, or a public agency responsible for providing intercity passenger rail service.

Establishes that a “capital project” eligible for grant funding includes:

- A project to acquire, construct, improve, or inspect railroad tracks and other facilities needed to provide intercity passenger rail service;
- The expenses needed for design work, engineering, location surveying, mapping, and environmental studies, as well as acquiring active or out of service rights-of-way; and
- Any payments that are needed to negotiate agreements to share railroad tracks, improve highway-rail grade crossings, mitigate environmental impacts, improve communication and signalization along railroad tracks, and assist with relocation along the route.

Defines “high-performance rail” as intercity passenger rail service that is designed to meet the current and future market demand for the transportation of people, in terms of capacity, travel times, reliability, and efficiency.

Defines “intercity passenger rail service” as all passenger rail service except for short-haul passenger rail networks that operate within a metropolitan area, such as local subways that run within a single city or region rather than between cities and regions.

##### **Subsection (b). Establishment of Grant Program**

Directs the United States Department of Transportation (DOT) to establish a new, competitive grant program that will promote high-performance intercity passenger rail service. Authorizes the DOT to award grants in installments for projects that last longer than one year.

##### **Subsection (c). Applications**

Directs applicants seeking to fund high-performance rail projects to submit an application to the new DOT grant program in the form and with all information that the DOT requires.

##### **Subsection (d). Competitive Grant Selection and Criteria for Grants**

Instructs the DOT to require that grant recipients meet the following conditions:

- The high-performance rail project must be part of a state’s federally required rail plan;
- The applicant must have the legal, financial, and technical capacity to carry out and maintain the project;
- The project must be based on preliminary engineering studies or other planning; and
- The project must meet all safety and security requirements that are applicable under law.

Directs the DOT to select high-performance rail projects that are anticipated to result in significant improvement to intercity passenger rail service, and to evaluate applications based on factors that include:

- The levels of estimated ridership, increased on-time performance, reduced trip time, or additional rail service frequency;
- The anticipated provision of intercity passenger rail service in regions that are historically and persistently unconnected or under-connected; and
- The anticipated favorable impact on air or traffic congestion and safety.

Directs the DOT to give greater preference to projects that will:

- Encourage direct connections between multiple modes of transportation including train and transit stations, bus terminals, subway stations, ferry ports, and more;
- Improve conventional intercity passenger, freight, or commuter rail operations;
- Utilize positive train control technologies;
- Provide environmental benefits, including the use of environmentally sensitive, fuel-efficient, or electrified passenger rail equipment;
- Reduce greenhouse gas emissions;
- Improve air quality and public health;
- Provide positive economic and employment impacts, including development in the areas near passenger stations, historic districts, or other opportunity zones;
- Encourage State and private contributions to station development, environmental efficiency, and economic benefits; and
- Provide enhanced transportation options for persons with disabilities.

**Subsection (e). Federal Share**

Establishes that the federal share of any project financed by the new grant program cannot exceed 80% of the project’s net cost.

Allows an applicant to use the fair market value of in-kind contributions, as well as the value of federal loans paid back with non-federal funds, to satisfy the required non-federal match.

**Subsection (f). Issuance of Regulations**

Requires the DOT to issue regulations that will govern the high-performance rail grant program within 1 year of the BRAIN TRAIN Act’s enactment.

**Subsection (g) Authorization of Appropriations**

Authorizes \$5 billion to be appropriated each year for Fiscal Years 2021 through 2025 to carry out the high-performance rail grant program. Ensures that any funds leftover at the end of each fiscal year roll over and are made available for eligible projects in the following fiscal year.