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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To direct the Secretary of Energy to conduct a study on using highway rights-of-way and rail rights-of-way as locations on which to construct high-voltage transmission infrastructure, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MULLIN introduced the following bill; which was referred to the Committee on _____

A BILL

To direct the Secretary of Energy to conduct a study on using highway rights-of-way and rail rights-of-way as locations on which to construct high-voltage transmission infrastructure, and for other purposes.

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 ''Rail and Highway Transmission Planning Act''.

SEC. 2. SENSE OF CONGRESS; PURPOSE.

(a) SENSE OF CONGRESS.—It is the sense of Congress that transportation rights-of-way, including highway and rail rights-of-way, should be utilized in ways that serve the public interest, including accommodating new electric transmission infrastructure.

(b) PURPOSE.—The purpose of this Act is to accelerate the development of high-voltage transmission infrastructure by identifying opportunities to co-locate such projects within existing transportation rights-of-way, with the goal of alleviating energy capacity constraints and delivering more affordable, reliable electricity for consumers.

SEC. 3. STUDY ON PLACING HIGH-VOLTAGE TRANSMISSION INFRASTRUCTURE ON RAIL AND HIGHWAY RIGHTS-OF-WAYS.

(a) STUDY.—The Secretary of Energy, in consultation with the Secretary of Transportation, the Federal Energy Regulatory Commission, and each director of a National Laboratory determined relevant by the Secretary of Energy, shall conduct a study evaluating the potential benefits and challenges of using covered rights-of-way as locations on which to construct high-voltage transmission infrastructure.

(b) ELEMENTS.—In carrying out the study under subsection (a), the Secretary of Energy shall—

(1) conduct a review of projects completed or being carried out to develop high-voltage electric transmission infrastructure on a covered right-of-way in the United States, including an assessment of any challenges with respect to safety, engineering, property rights, or other matters encountered while carrying out such projects and how each such challenge was addressed;

(2) based on the results of the review under paragraph (1), determine best practices with respect to the planning, permitting, financing, and developing of high-voltage electric transmission infrastructure on a covered right-of-way;

(3) generate, or consolidate from available sources, data on covered rights-of-way to evaluate the technical feasibility of building high-voltage transmission lines on each such covered right-of-way;

(4) using data generated or consolidated under paragraph (3), identify each covered right-of-way suitable for the construction of high-voltage transmission lines considering—

(A) with respect to the geographic region of each covered right-of-way evaluated, the need for transmission infrastructure to alleviate en-

ergy transmission capacity constraints or congestion in the geographic region;

(B) the technical feasibility of building high-voltage transmission lines on each such covered right-of-way; and

(C) any other considerations determined appropriate by the Secretary;

(5) with respect to each covered right-of-way identified under paragraph (4)—

(A) evaluate the suitability of various high-voltage transmission configurations, accounting for the infrastructure needs of each such configuration, including—

(i) high-voltage alternating current;

(ii) high-voltage direct current;

(iii) point-to-point high-voltage direct current;

(iv) multi-terminal bi-directional high-voltage direct current systems;

(v) overhead lines;

(vi) underground lines; and

(vii) any other relevant configuration, as determined by the Secretary;

(B) identify and examine any potential challenges unique to transmission development in the covered right-of-way;

(C) determine the costs and benefits of constructing high-voltage transmission infrastructure in the covered right-of-way, including any cost or time savings expected to be realized with respect to land acquisition or obtaining any requisite permits, and compare such costs and benefits to the average costs and benefits of constructing similar high-voltage transmission infrastructure on lands that are not a covered right-of-way;

(D) identify—

(i) any potential funding mechanisms and financing opportunities available for entities to use for the construction of high-voltage transmission infrastructure on the right-of-way; and

(ii) any potential financial benefits for stakeholders in such construction, including owners of property abutting the right-of-way or otherwise implicated by the construction; and

(E) analyze how, if at all, the construction of high-voltage transmission infrastructure on the covered right-of-way is likely to support improvements in grid reliability, streamline the interconnection queue, increase energy transmission capacity, contribute to reduced energy costs for energy consumers, and improve highway or rail safety and efficiency;

(6) evaluate the effects, if any, of constructing and operating high-voltage transmission lines on covered rights-of-way on the environment, railroad operations, and communities near the right-of-way, including—

(A) electromagnetic interference with rail safety, rail signaling equipment, and rail communication equipment; and

(B) the potential for safety or operational interference while performing maintenance, rehabilitation work, or expansion of transportation infrastructure on covered rights-of-way;

(7) develop—

(A) an interagency action plan with respect to the construction and operation of high-voltage transmission lines on covered rights-of-way; and

(B) for use facilitating the construction of high-voltage transmission infrastructure on a covered right-of-way, resources for use by—

(i) Federal, State, and local governmental agencies; and

(ii) utilities, railroad carriers, and other relevant stakeholders, as identified by the Secretary; and

(8) consult utilities, railroad carriers, and any relevant stakeholders, as identified by the Secretary.

(c) PUBLICATION.—

(1) ROLLING PUBLICATION OF STUDY ELEMENTS.—As soon as is practicable after each element of the study described in subsection (b) is complete, the Secretary shall publish the results of the element and any data developed or consolidated in the completion of the element.

(2) REPORT.—Not later than 3 years after the date of enactment of this Act, the Secretary shall—

(A) submit to Congress a report detailing the results of the study under subsection (a), including all data underpinning such results, which shall be presented in a machine-readable format; and

(B) publish such report and such data.

(3) FORM.—All information, data, and reports published pursuant to this subsection—

(A) shall be published on a publicly accessible website of the Department of Energy; and

(B) may be published with redactions of any data the publication of which the Secretary determine poses a national security risk.

(d) DEFINITIONS.—In this section:

(1) COVERED RIGHT-OF-WAY.—The term ''covered right-of-way'' means—

(A) a highway right-of-way, including a right-of-way of a State highway and a right-of-way of the National Highway System; or

(B) a rail right-of-way, including a right-of-way of an abandoned railroad.

(2) HIGHWAY; NATIONAL HIGHWAY SYSTEM.—The terms ''highway'' and ''National Highway System'' have the meanings given such terms, respectively, in section 101 of title 23, United States Code.

(3) NATIONAL LABORATORY.—The term ''National Laboratory'' has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(4) RAILROAD CARRIER.—The term ''railroad carrier'' has the meaning given such term in section 20102 of title 49, United States Code.