

[Committee Print]

[SHOWING THE TEXT OF H.R. 6046, AS FORWARDED BY THE SUBCOMMITTEE
ON COMMUNICATIONS AND TECHNOLOGY ON NOVEMBER 18, 2025]

119TH CONGRESS
1ST SESSION

H. R. 6046

To amend the Communications Act of 1934 to streamline the deployment of telecommunications or broadband service facilities in the public rights-of-way and the rights-of-way of railroad carriers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2025

Mr. JOYCE of Pennsylvania (for himself, Mr. LANDSMAN, and Mr. PETERS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to streamline the deployment of telecommunications or broadband service facilities in the public rights-of-way and the rights-of-way of railroad carriers, and for other purposes.

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 “Broadband and Tele-
5 communications RAIL Act”.

1 **SEC. 2. DEPLOYMENT OF TELECOMMUNICATIONS OR**
2 **BROADBAND SERVICE FACILITIES IN PUBLIC**
3 **RIGHTS-OF-WAY AND RAILROAD RIGHTS-OF-**
4 **WAY.**

5 Title VII of the Communications Act of 1934 (47
6 U.S.C. 601 et seq.) is amended by adding at the end the
7 following:

8 **“SEC. 723. DEPLOYMENT OF TELECOMMUNICATIONS OR**
9 **BROADBAND SERVICE FACILITIES IN PUBLIC**
10 **RIGHTS-OF-WAY AND RAILROAD RIGHTS-OF-**
11 **WAY.**

12 **“(a) NOTIFICATION OF WORK BY PROVIDERS IN**
13 **PUBLIC RIGHTS-OF-WAY.—**

14 **“(1) IN GENERAL.—**If a State or local govern-
15 ment has authorized a provider to place or modify
16 telecommunications or broadband service facilities in
17 a public right-of-way, and the facilities will be placed
18 or modified in an area where the public right-of-way
19 intersects with a railroad corridor, the provider—

20 **“(A) shall submit to the relevant railroad**
21 **carrier a written notification that the placement**
22 **or modification has been authorized by the**
23 **State or local government; and**

24 **“(B) is not required to submit an applica-**
25 **tion to the railroad carrier under subsection (b)**
26 **with respect to the placement or modification.**

1 “(2) CONTENTS.—A notification submitted
2 under paragraph (1) shall contain the following in-
3 formation with respect to the placement or modifica-
4 tion described in such paragraph:

5 “(A) The location of the placement or
6 modification.

7 “(B) The proposed date of commencement
8 of work with respect to the placement or modi-
9 fication.

10 “(C) The anticipated duration of the work.

11 “(D) The entry and exit points that will be
12 used with respect to the performance of the
13 work.

14 “(E) The contact information of the pro-
15 vider.

16 “(3) SCHEDULING.—Following the submission
17 of a notification under paragraph (1)—

18 “(A) the provider shall schedule a date in
19 coordination with the railroad carrier for the
20 placement or modification of the facilities to
21 which the notification applies; and

22 “(B) the placement or modification de-
23 scribed in subparagraph (A) shall commence—

1 “(i) not earlier than the date that is
2 15 days after the date on which the notifi-
3 cation is submitted; and

4 “(ii) not later than—

5 “(I) the date that is 30 days
6 after the date on which the notifica-
7 tion is submitted; or

8 “(II) such other date as mutually
9 agreed upon by the provider and the
10 railroad carrier.

11 “(4) PAYMENT NOT REQUIRED.—

12 “(A) IN GENERAL.—A provider is not re-
13 quired to pay a railroad carrier with respect to
14 the placement or modification of telecommuni-
15 cations or broadband service facilities in a pub-
16 lic right-of-way as authorized by a State or
17 local government.

18 “(B) RULE OF CONSTRUCTION.—Nothing
19 in subparagraph (A) may be construed to affect
20 any requirement, pursuant to an authorization
21 by a State or local government for a provider
22 to place or modify telecommunications or
23 broadband service facilities in a public right-of-
24 way, for the provider to make any payment to

1 any entity with respect to the placement or
2 modification.

3 “(b) APPLICATION TO PLACE OR MODIFY TELE-
4 COMMUNICATIONS OR BROADBAND SERVICE FACILITIES
5 IN RAILROAD RIGHTS-OF-WAY.—

6 “(1) IN GENERAL.—In order to place or modify
7 telecommunications or broadband service facilities in
8 the right-of-way of a railroad carrier, a provider
9 shall submit to the railroad carrier a written applica-
10 tion that contains the following information:

11 “(A) Engineering design plans, construc-
12 tion plans, and (if applicable) bore plans with
13 respect to the placement or modification that
14 are in accordance with the Manual for Railway
15 Engineering of the American Railway Engineer-
16 ing and Maintenance-of-Way Association that
17 was most recently published before the date on
18 which the application is submitted.

19 “(B) The location of the placement or
20 modification.

21 “(C) The proposed date of commencement
22 of work with respect to the placement or modi-
23 fication.

24 “(D) The anticipated duration of the work.

1 “(E) The entry and exit points that will be
2 used with respect to the performance of the
3 work.

4 “(F) The contact information of the pro-
5 vider.

6 “(G) Proof of insurance with respect to the
7 work.

8 “(2) DECISION.—

9 “(A) IN GENERAL.—Not later than 60
10 days after the date on which a railroad carrier
11 receives an application that contains the infor-
12 mation required by paragraph (1), the railroad
13 carrier shall—

14 “(i) approve or deny the application;
15 and

16 “(ii) transmit to the provider that
17 submitted the application a notification of
18 the approval or denial under clause (i).

19 “(B) EXCLUSIVE REASONS FOR DENIAL.—
20 A railroad carrier may only deny an application
21 under subparagraph (A) if the placement or
22 modification of telecommunications or
23 broadband service facilities proposed in the ap-
24 plication would—

1 “(i) substantially interfere with or
2 damage the infrastructure or permanent
3 operations of the railroad carrier; or

4 “(ii) jeopardize the safety of pas-
5 sengers or employees of the railroad car-
6 rier.

7 “(C) EXPLANATION.—If a railroad carrier
8 denies an application under subparagraph (A),
9 the railroad carrier shall include in the notifica-
10 tion required by clause (ii) of such subpara-
11 graph an identification of each reason described
12 in subparagraph (B) for which the railroad car-
13 rier denied the application and an explanation
14 of how such reason for denial applies to the ap-
15 plication.

16 “(3) SCHEDULING.—Following approval of an
17 application under this subsection, the provider shall
18 schedule a date in coordination with the railroad
19 carrier for the placement or modification of the fa-
20 cilities, which placement or modification shall com-
21 mence not later than—

22 “(A) the date that is 30 days after the
23 date of the approval; or

1 “(B) such other date as indicated in the
2 application or mutually agreed upon by the pro-
3 vider and the railroad carrier.

4 “(4) COMPENSATION.—A provider that submits
5 to a railroad carrier an application under this sub-
6 section shall pay the railroad carrier compensation
7 that is equal to the actual costs reasonably and di-
8 rectly incurred by the railroad carrier with respect
9 to—

10 “(A) the application; and

11 “(B) any placement or modification of tele-
12 communications or broadband service facilities
13 carried out pursuant to the application.

14 “(c) PETITION FOR RELIEF.—

15 “(1) IN GENERAL.—

16 “(A) RAILROAD CARRIER.—A railroad car-
17 rier may petition the Commission for relief re-
18 garding the placement or modification by a pro-
19 vider of telecommunications or broadband serv-
20 ice facilities in an area where a public right-of-
21 way intersects with a railroad corridor, or in
22 the right-of-way of the railroad carrier, if the
23 railroad carrier asserts that—

24 “(i) in the case of a placement or
25 modification with respect to which the pro-

1 vider has submitted an application to the
2 railroad carrier under subsection (b), the
3 amount of compensation that the provider
4 proposes to pay under paragraph (4) of
5 such subsection is less than the actual
6 costs required to be paid under such para-
7 graph;

8 “(ii) the scope of the placement or
9 modification exceeds the scope described in
10 the notification submitted by the provider
11 under subsection (a) or the application
12 submitted by the provider under subsection
13 (b) (as the case may be) with respect to
14 the placement or modification; or

15 “(iii) the provider has otherwise failed
16 to comply with this section or a regulation
17 promulgated under this section.

18 “(B) PROVIDER.—

19 “(i) IN GENERAL.—A provider may
20 petition the Commission for relief regard-
21 ing the placement or modification by the
22 provider of telecommunications or
23 broadband service facilities in an area
24 where a public right-of-way intersects with
25 a railroad corridor, or in the right-of-way

1 of a railroad carrier, if the provider asserts
2 that the relevant railroad carrier has—

3 “(I) wrongfully obstructed or de-
4 layed the placement or modification;

5 “(II) requested payment above
6 the actual costs required to be paid
7 under subsection (b)(4); or

8 “(III) otherwise failed to comply
9 with this section or a regulation pro-
10 mulgated under this section.

11 “(ii) TIMING.—In the case of a place-
12 ment or modification with respect to which
13 a provider has submitted an application to
14 a railroad carrier under subsection (b), the
15 provider may not file a petition for relief
16 under clause (i) with respect to the place-
17 ment or modification before the earlier
18 of—

19 “(I) the date on which the rail-
20 road carrier notifies the provider of
21 the approval or denial of the applica-
22 tion; and

23 “(II) the day after the date that
24 is 60 days after the date on which the

1 railroad carrier receives the applica-
2 tion.

3 “(2) ADJUDICATION.—

4 “(A) JURISDICTION.—The Commission
5 shall be the sole Federal agency with jurisdic-
6 tion to hear and resolve a petition filed under
7 paragraph (1).

8 “(B) FINDINGS.—In adjudicating a peti-
9 tion filed under paragraph (1), the Commission
10 may make any necessary findings of fact or de-
11 terminations.

12 “(C) USE OF EXPERTS.—

13 “(i) IN GENERAL.—In adjudicating a
14 petition filed under paragraph (1), the
15 Commission may employ experts to advise
16 the Commission with respect to—

17 “(I) examining locations, plans,
18 specifications, and descriptions of
19 equipment and methods proposed to
20 be employed;

21 “(II) hearing any objections and
22 considering any modifications that the
23 railroad carrier or provider submits;

1 “(III) rejecting, approving, or
2 modifying proposed plans and speci-
3 fications; and

4 “(IV) technical, economic, and
5 other matters concerning the place-
6 ment or modification.

7 “(ii) REIMBURSEMENT.—The party
8 against which the Commission rules on an
9 issue with respect to which an expert em-
10 ployed by the Commission under clause (i)
11 renders services under such clause shall re-
12 imburse the Commission for the cost of
13 such services.

14 “(iii) DEPOSIT OF COLLECTIONS.—
15 Amounts received to reimburse the Com-
16 mission for the cost of services rendered by
17 an expert employed under clause (i) shall
18 be deposited in, and credited to, the ac-
19 count through which funds were made
20 available to pay such cost.

21 “(iv) AUTHORITY.—The Commission
22 may employ experts under clause (i) pursu-
23 ant to section 3109(b) of title 5, United
24 States Code.

1 “(D) COORDINATION WITH FEDERAL RAIL-
2 ROAD ADMINISTRATION.—In adjudicating a pe-
3 tition filed under paragraph (1), the Commis-
4 sion shall coordinate with the Administrator of
5 the Federal Railroad Administration regarding
6 any finding of fact or determination relating to
7 railroad safety.

8 “(E) FINAL ORDER.—

9 “(i) IN GENERAL.—Not later than 90
10 days after the date on which a petition is
11 filed under paragraph (1), the Commission
12 shall issue a final order regarding the peti-
13 tion in which the Commission may grant
14 such relief as the Commission considers
15 appropriate.

16 “(ii) EXTENSION OF DEADLINE.—

17 “(I) IN GENERAL.—Except as
18 provided in subclause (II), the Com-
19 mission may extend the deadline with
20 respect to a petition under clause (i),
21 as the Commission considers appro-
22 priate.

23 “(II) EXCEPTION.—The Commis-
24 sion may not extend the deadline with
25 respect to a petition under clause (i)

1 on the basis of the coordination re-
2 quired by subparagraph (D).

3 “(d) RESPONSIBILITIES OF PARTIES.—

4 “(1) RAILROAD CARRIERS.—With respect to the
5 placement or modification by a provider of tele-
6 communications or broadband service facilities in an
7 area where a public right-of-way intersects with a
8 railroad corridor, or in the right-of-way of a railroad
9 carrier, the relevant railroad carrier shall—

10 “(A) provide flagging;

11 “(B) take such other protective measures
12 as the railroad carrier determines necessary and
13 appropriate; and

14 “(C) perform any work necessary to imple-
15 ment the placement or modification that the
16 provider is prohibited from performing because
17 of the limitations specified under subsection
18 (e)(2)(D).

19 “(2) PROVIDERS.—With respect to the place-
20 ment or modification by a provider of telecommuni-
21 cations or broadband service facilities in an area
22 where a public right-of-way intersects with a railroad
23 corridor, or in the right-of-way of a railroad carrier,
24 the provider—

1 “(A) is not required to obtain additional
2 insurance for the placement or modification;
3 and

4 “(B) shall—

5 “(i) carry out all aspects of the imple-
6 mentation of the placement or modification
7 (other than any work necessary to imple-
8 ment the placement or modification that
9 the provider is prohibited from performing
10 because of the limitations specified under
11 subsection (e)(2)(D)); and

12 “(ii) ensure that the facilities are con-
13 structed and operated in accordance
14 with—

15 “(I) all applicable Federal laws
16 and regulations, including those relat-
17 ing to railroad safety; and

18 “(II) any accepted industry
19 standards specified by the Commis-
20 sion.

21 “(e) RULEMAKING.—

22 “(1) IN GENERAL.—Not later than 1 year after
23 the date of the enactment of this section, the Com-
24 mission shall promulgate regulations (which may in-

1 clude regulations applicable to railroad carriers) to
2 implement this section in a manner that—

3 “(A) ensures railroad safety, including by
4 ensuring compliance with all applicable Federal
5 laws and regulations, including those relating to
6 railroad safety;

7 “(B) provides a process for more timely
8 placement or modification of telecommuni-
9 cations or broadband service facilities in emer-
10 gency situations than would otherwise be pro-
11 vided for under this section;

12 “(C) prevents substantial interference with
13 or damage to the infrastructure or permanent
14 operations of railroad carriers;

15 “(D) allows for the timely and efficient
16 placement and modification of telecommuni-
17 cations or broadband service facilities; and

18 “(E) provides a process for more timely
19 placement or modification of telecommuni-
20 cations or broadband service facilities in rail-
21 road carrier crossings that are discontinued or
22 abandoned than would otherwise be provided
23 for under this section.

1 “(2) MATTERS TO BE INCLUDED.—In the regu-
2 lations promulgated under paragraph (1), the Com-
3 mission shall—

4 “(A) establish standards and procedures
5 for determining whether the reasons for denial
6 under clauses (i) and (ii) of subsection
7 (b)(2)(B) are met;

8 “(B) establish standards and procedures
9 for determining actual costs under subsection
10 (b)(4);

11 “(C) establish standards and procedures
12 for adjudicating petitions for relief under sub-
13 section (c), including with respect to reimburse-
14 ment of the Commission for the cost of services
15 rendered by experts employed under subsection
16 (c)(2)(C);

17 “(D) specify any limitations on the loca-
18 tions within an area where a public right-of-way
19 intersects with a railroad corridor, or within the
20 right-of-way of a railroad carrier, where a pro-
21 vider may perform work relating to the place-
22 ment or modification of telecommunications or
23 broadband service facilities, or on the types of
24 such work that a provider may perform within
25 such an area or right-of-way, in order to ensure

1 railroad safety and to prevent substantial inter-
2 ference with or damage to the infrastructure or
3 permanent operations of railroad carriers; and
4 “(E) otherwise establish standards and
5 procedures and define terms as necessary to im-
6 plement this section.

7 “(3) COORDINATION WITH FEDERAL RAILROAD
8 ADMINISTRATION.—In promulgating regulations
9 under paragraph (1), the Commission shall coordi-
10 nate with the Administrator of the Federal Railroad
11 Administration regarding any matter relating to rail-
12 road safety.

13 “(f) MEMORANDUM OF UNDERSTANDING.—Not later
14 than 60 days after the date of the enactment of this sec-
15 tion, the Commission and the Administrator of the Fed-
16 eral Railroad Administration shall enter into a memo-
17 randum of understanding to work cooperatively to ensure
18 that the safety concerns of railroad carriers and users of
19 public rights-of-way are addressed in the adjudication of
20 petitions filed under subsection (c) and the promulgation
21 of regulations under subsection (e).

22 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion, including any regulations promulgated under sub-
24 section (e), may be construed as establishing, eliminating,
25 or modifying an agreement covered by the Railway Labor

1 Act (45 U.S.C. 151 et seq.) between a railroad carrier and
2 a labor organization representing a class or craft of em-
3 ployees of such railroad carrier.

4 “(h) DEFINITIONS.—In this section:

5 “(1) BROADBAND SERVICE.—The term
6 ‘broadband service’ has the meaning given the term
7 ‘broadband internet access service’ in section 8.1(b)
8 of title 47, Code of Federal Regulations (or any suc-
9 cessor regulation).

10 “(2) PROVIDER.—The term ‘provider’ means a
11 provider of telecommunications service or broadband
12 service.

13 “(3) PUBLIC RIGHT-OF-WAY.—The term ‘public
14 right-of-way’ means a public street, highway, route,
15 or road (as designated by the Federal Government
16 or a State or local government), including—

17 “(A) any railroad installation listed in the
18 National Highway-Rail Crossing Inventory of
19 the Department of Transportation as an over
20 (at grade), under (subgrade), longitudinal (par-
21 allel), or transverse (crossing) installation; and

22 “(B) a private crossing with public access
23 listed in the National Highway-Rail Crossing
24 Inventory of the Department of Transportation.

1 “(4) RAILROAD CARRIER.—The term ‘railroad
2 carrier’ has the meaning given such term in section
3 20102 of title 49, United States Code.

4 “(5) TELECOMMUNICATIONS OR BROADBAND
5 SERVICE FACILITIES.—The term ‘telecommuni-
6 cations or broadband service facilities’—

7 “(A) means facilities used to provide or
8 support the provision of any telecommuni-
9 cations service or broadband service; and

10 “(B) includes facilities described in sub-
11 paragraph (A) that are used to provide or sup-
12 port the provision of other services.”.