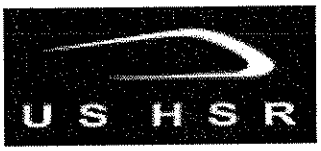

TESTIMONY OF THOMAS A. HART, JR., ESQ.[1]
VICE PRESIDENT FOR GOVERNMENT AFFAIRS AND GENERAL COUNSEL
US HIGH SPEED RAIL ASSOCIATION
To US House of Representatives, Committee on Transportation and Infrastructure,
With Chairman John Mica Presiding

Wednesday, June 22, 2011

On behalf of the United States High Speed Rail Association (USHSR), its Directors, Andy Kunz, and Joe Shelhorse, and its 250 members, I extend greetings to this prestigious Committee on Transportation and Infrastructure .I am here representing USHSR as its Vice President for Government Affairs and General Counsel. I also serve as the Director of the Washington office of the national law firm of Quarles & Brady. The USHSR is a non-profit trade association committed to advancing a state-of-the-art, nationwide, "true" high speed rail (HSR) system - to be completed in phases around the country. Our mission is to build widespread public, business, and political support for major investments in a national HSR network by the public and private sectors.

I. BACKGROUND

The USHSR is pleased to share its thoughts on how to expedite the development of HSR by opening the Northeast Corridor (NEC) to private competition. In January, I had the pleasure to testify in New York City before this Committee's first hearing of this Congress. Last month, I testified before the Subcommittee on Railroads, Pipelines, and Hazardous Materials to

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emphasize, the importance of establishing federal programs that will spur the creation of public-private partnerships for funding HSR systems.

Presently, most of our national transportation systems are overloaded and in a state of disrepair - which causes delays-costing the nation more than $100 billion dollars per year in lost time and wasted fuel. The price of oil is already trading over $100 dollars a barrel, and is expected to continue rising indefinitely. The more quickly America can build alternative forms of transportation not dependent on foreign oil, the better the nation will be and the sooner we can recover from the current recession. Ironically, increased oil prices translate into increased rail ridership, which in turn improves the business case for HSR. We have already seen this happen the summer of 2008 when oil hit $147 per barrel, and the ridership on America's rail systems rose to record levels. With the right development and adequate investment in HSR, a vast consumer base can be tapped into for a true HSRnetwork that can deliver safe, efficient, and faster travel.

America has a history of investing in state-of-the-art transportation infrastructure with the government funding the base infrastructure and private companies operating the transportation vehicles within that base infrastructure. This is how our highway system and our aviation systems were built and operate today. The infrastructure was built and is owned and maintained by the government, while the vehicles are operated by private, for-profit companies.

The popular Washington, DC to Boston passenger train route, otherwise known as the Northeast Corridor (NEC),is particularly ideal for HSR investments not only because it stretches across seven states totaling 480 miles, but also because it has the most robust ridership level

from a resident population of approximately 50 million. In 2009 Amtrak's daily rail ridership in the NEC was more than 27,000 passengers. Economically strong, the Northeast Corridor has among the highest income levels per capita in the nation. Such demographics make the NEC ripe for HSR development and investment by the private sector.

We believe this is the best model for the new high speed rail network in America, starting with the NEC, since this private sector development and investment has precedent in the majority of our current forms of transportation, and it is the way many high speed rail systems are developed and operated around the world.

The U.S. Government already owns the NEC through Amtrak, and it is already a busy and successful rail corridor. The key to unlocking the great value of the NEC is twofold. 1) the entire NEC needs to be upgraded to international high speed rail standards to allow for trains to travel at speeds up to 220 mph; and 2) train operations need to be separated from the infrastructure operations, as in our other forms of transportation here in America. This will allow private, for-profit rail operators to compete for passengers in the newly upgraded NEC. In this scenario the infrastructure would be owned and controlled by the U.S.Government and affected States and it can then be managed and maintained by a private company as a for-profit business. This separation would then allow a second layer of for-profit businesses to operate trains in the corridor.

II. AMTRAK OVERVIEW

Over the past 40 years Amtrak has provided a unique and valuable public service to the nation as it is the primary carrier of the nation's rail passengers. Amtrak has over 1900 employees, many of whom come from 13 organized and hard working employee unions.

In the NEC, Amtrak coordinates eight commuter rail carriers and 2,000 trains per day over NEC track. Amtrak deserves credit for their recent commitment to a HSR network by the appointment of Al Engel as their VP for HSR Deployment. Al is a seasoned veteran and expert in the field. Amtrak and the nation are lucky to have him lead this important project.

Although Amtrak has made a number of recent advancements, including making a profit last year, it must do much more to reach its full potential. The current slogan in Washington is that "everything is on the table." In this globally challenging economic environment, even Amtrak is "on the table" for critique and evaluation. Although USHSR does not support the "privatization" of Amtrak, the association does call for rapid improvements in rail service created by competition, innovation and private investment.

Despite the common misconception, Amtrak's Acela is not true HSR. Globally, HSR trains regularly operate at speeds of 186 to 220 mph. In some countries, (like Japan and China) HSR systems reach speeds in excess of 300 mph. Although the Acela has many merits, it falls short of maximizing the potential a true HSR line would deliver to both consumers and its operators. Currently, the Acela is limited by its own operating speed, compounded by the lack of separate, dedicated track. The Acela averages 79 mph on most of the line because it shares

its track with other passenger and freight trains. Therefore, the development of a true HSR system would necessitate new dedicated track independent of freight operations. Additionally, the two routes that Amtrak runs out of New York City along the NEC generate much of the entire system's revenue and are two of the few Amtrak lines that actually return considerable profits. However, with the right development and adequate investment in HSR, there is a vast consumer base that can be tapped into for a true HSR line that can deliver safe, efficient, and faster travel.

Over the years, Amtrak has become one of the nation's major recipients of government funds and subsidies. Amtrak recently received over $450 million dollars for improvements in the NEC. Although Amtrak has begun the procurement process, it has yet to develop a comprehensive business plan that sets out goals, timetables and procedures.

Moreover, like the Federal Railroad Administration, Amtrak lacks clear government mandates for small and minority business development. As we examine ways to increase private investment and create jobs, this Committee should also develop procedures and programs to ensure small and minority business procurement by Amtrak.

III. THE PROPOSED RESTRUCTURING OF AMTRAK

The US High Speed Rail Association proposes a plan that would split Amtrak into two entities: Amtrak Operations, the national rail operator, and Amtrak Infrastructure, which would own and manage the rail infrastructure in the Northeast Corridor. Amtrak Operations would continue Amtrak's successful management of national rail operations, including the Northeast

Corridor where yearly passenger ridership is at record levels and profits currently support service in the rest of the country.

Amtrak Infrastructure would be a separate entity that would be able to sell up to 40% of its shares to private investors and potential partners. Amtrak's record for infrastructure particularly construction and maintenance is spotty at best therefore such alterations should be made. This new investment would be used to upgrade rail infrastructure in the Northeast Corridor to world-class high speed rail standards, enabling up to ten times more trains per hour using the corridor. Revenues would be generated from track access charges and renewed economic development at train stations along the corridor. Amtrak Infrastructure would be a profitable entity reducing the need for an annual federal subsidy and creating a new source of funding for expanded high speed rail development in the rest of the nation.

We believe our proposal could gain bipartisan support in this Congress, enabling high speed rail to advance instead of stalling in partisan gridlock. And in the near future, we would realize the many benefits of high speed trains attaining top speeds of over 200 miles per hour, providing a welcome transportation alternative to crowded highways and airports, creating jobs and economic development, and reducing our dependence on foreign oil.

IV. THE NEED FOR PRIVATE INVESTMENT IN HSR

The debate is now how do we fund and operate one of the most important transportation infrastructure projects in America? With the continuing economic and political climate focused on reducing public spending and the challenges in attempting to balance the budget, the future of HSR development in America will depend in part upon private sector

investment. As you know, over the past two years there has been a renewed commitment for federal investment in rail transportation, but more capital is needed to ensure a successful project that meets the expectations of consumers in an efficient and profitable manner. In essence, there must be an on-going federal HSR program established to signal that this project is one of "National Significance" similar to the way the transcontinental railroad and the interstate highway system were built. Moreover, public-private partnerships (PPPs) are needed to carry out this important national program, and global experience shows that they can be successful.

According to the Infrastructure Management Group, PPPs frequently serve the public interest by:

- reducing costs
- expediting project completion
- decreasing tax-payer risk
- lowering government subsidies
- extending the life-cycle of the project
- sparking innovation and efficiency
- insulating the project from the political change
- leveraging the use of public funds by mobilizing financial resources from the private sector
- creating jobs and small business opportunities

V. PPP/HIGH SPEED RAIL PROJECTS AROUND THE WORLD

1. **UK High Speed Rail (High Speed 1 (Channel Tunnel Rail Link)**

In 1996 a tender was issued for a project to construct a high speed rail line from London to the UK end of the Channel Tunnel. The line was to be built to carry passenger traffic from the UK to the Continent, as well as to enhance internal passenger travel within the UK. Construction on the project was started in 1998, the project was later split into two portions to enable completion of each, and both sections of the project build were open by 2007. The concessionaire was the London & Continental Railways Limited, and the PPP consortium included Arup, Bechtel, SBC Warburg and London Electric. Ultimate ownership of the project: the UK Economics & Finance Ministry. Financing is based on operating income. The total investment in the line is approximately $12 billion dollars.

The project was restructured into two project portions to better contain project risk and address political and financial problems and several changes in ownership.

Last year, the UK government auctioned off a 30-year concession for the right to own and operate its first high speed railway, the HS-1, linking London to the Channel Tunnel. The sale generated approximately $3.4 billion dollars[2], and the leasee was a consortium of two Canadian pension funds - Borealis Infrastructure and the Ontario Teacher's Pension Plan. The concession sale is estimated to return 40 percent of the original construction cost to the British treasury.[3] Such savings are likely to help reduce the British government's record deficit. In 2040 - when the concession ends - the railway reverts back to the government, which anticipates re-bidding it for an equal or higher

[2] Mark Reutter, British Deal Shows Private Investment Demand for High-Speed Rail,PROGRESSIVE FIX (December 10, 2010) available at http://www.progressivefix.com/british-deal-shows-private-investment-demand-for-high-speed-rail.
[3] *Id.*

price. "[O]ver the course of its 150-year-plus lifecycle, [HS-1] repays its construction cost, probably several times over."[4] Reportedly, the "higher-than-expected bids for the UK's only dedicated [HSR] line revealed [a] strong demand for such assets" and demonstrates an alternative solution to funding HSR development, especially in the Northeast Corridor which has one of the densest market of riders.[5]

2. Dutch and Belgian High Speed Rail (HSL Zuid (High Speed Line - South)

In 1999 a tender was issued for bids for construction of a 125-kilometer high speed rail line from Amsterdam Airport Schiphol to Belgium. Construction was started in 2000, and the line was opened in 2007. The concessionaire is Infraspeed BV, and the PPP consortium includes Fluor Daniel, Siemens, Bayerische Hypo-und Vereinsbank, ING, Dexia Public Finance Bank and Rabobank. Ownership of the project is in the Dutch Ministry of Transport, Public Works and Water Management. Financing is based on a performance fee in return for 99% availability. The total project investment in the line was approximately $10 billion dollars.

The Dutch government retained demand risk and infrastructure risk, and all rights with respect to operating, capacity utilization and tariff structure; the project was substantially delayed by a long initial negotiation, construction problems resulting in increased, costs, lawsuits over deliveries of infrastructure and delays in delivery of trains. In hindsight, the contract for the project did not specifically address financial and time overruns and did not shift enough responsibility to the private sector.

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[4] *Id.*

[5] Robert Wright, £2.1bn HS1 Sale Lifts Privatisation Prospects, FINANCIAL TIMES (November 10, 2010) available at http://www.ft.com/cms/s/0/6be9c170-e90d-11df-a1b4-00144feab49a.html#axzz1BgsRnLPT.

3. **Swedish High Speed Rail (Arlanda-Express)**

In 1993, a tender was issued for a high speed rail project that would connect Stockholm's Central Station with the Arlanda Airport in Stockholm. Construction was started in 1995, and the line was opened in 1999. The concessionaire is A-Train AB which is owned by the Macquarie European Infrastructure Fund. The PPP consortium includes Alstom, Vattenfall and Mowlem Nordic. Ownership of the project is in the Swedish government, and the financing is based on operating income. The total investment in the line is approximately $700 million dollars.

The Swedish government is only responsible for operating and controlling traffic; the private consortium bears responsibility for all else, including all construction and management activities and market risk. The result has been mixed. In some instances it has overburdened the private consortium. Passenger forecasts have been over-optimistic, and the line is not fully integrated with the Swedish railway system.

4. **Taiwanese High Speed Rail**

In 1996 a tender was issued for a 345-kilometer high speed rail network along the western coast of Taiwan, from Taipei to Kaohsiung. Construction was started in 2002, and the line was opened in 2007. The concessionaire was Taiwan High Speed Rail, and the PPP consortium included Alstom and Siemens. Ownership of the project is in the Taiwanese government, and the financing is based on operating income. The total investment in the project is approximately $14 billion.

There was delay in opening the finished line that increased project costs, and the consortium encountered construction difficulties in urban areas. Numerous lawsuits were filed after tendering and actual passenger numbers were below forecasts. As a result the government is today practically the sole owner due to the concessionaire's financial problems.

5. Japanese High Speed Rail Systems

Japan commissioned the world's first high-speed rail line, the *Tokaido Shinkansen*, in 1964, between the country's densest urban and commercial centers from Tokyo to Osaka. The *Tokaido Shinkansen* is today the world's busiest and most successful high-speed rail system. However, this success was not preordained or inevitable. For about the first two decades of its existence, Japanese high-speed rail was wholly owned and operated by the government. By the mid-1980s, it became increasingly evident that this model was not functioning. Bureaucratic mismanagement and political meddling conspired to drive the industry into an unsustainable financial position. Against powerful objections, the decision was finally made that privatization offered the only avenue to reverse highspeed rail's decline. Japan's national network was therefore broken up by region. In 1987, the Central Japan Railway Company (JRC) was established to take ownership of the *Tokaido Shinkansen* line.

Through a series of corporate reforms and adoption of better business practices, JRC restored the economic standing of the *Tokaido Shinkansen*, and also diversified its portfolio to include real estate, merchandising, and other services. Within 10 years, the company was publicly traded on the Tokyo, Nagoya, Osaka, and Kyoto stock exchanges.

In 2006, the Japanese government completed the sale of all its common stock in JRC, formally signaling the end of any public involvement in the company.

JRC is today a completely private entity with an enviable balance sheet by any measure. In 2010 it generated nearly $16 billion in annual revenue, with a net income of nearly $1 billion. For JRC's investors, this translated into a 2010 return on equity of 8.7%, outperforming most other transportation companies. Not only is JRC able cover its operating expenses without any public subsidies, it is sufficiently profitable to pay dividends to its investors, pay down its long-term debt, and invest funds back into the company for future growth. Indeed, JRC recently announced plans to invest roughly $60 billion to build a new high-speed line to reduce congestion on the *Tokaido Shinkansen*. This line will utilize using cutting-edge, super-conducting magnetic levitation technology (SCMAGLEV), which operates at a top speed of 361mph. JRC will bear the entire cost of this $60 billion investment without recourse to any public funding.

6. **Italian High Speed Rail**

The Italian example is similar in that the government is building the track and infrastructure while the CEO of Ferrari and several other business leaders have formed a new for-profit railway called NTV. They will be starting operations this summer with a brand new fleet of 25 state-of-the-art high speed trains serving all the main cities of Italy with over 50 services offered each day. This private operator will pay a track fee for using the infrastructure that will more than cover all maintenance costs of the system, while making a profit for their efforts. The advantage of this model is that the government gets all track maintenance costs covered while also collecting fees to help

pay down the capital costs, while the public gets the best train services at competitive prices.

7. French High Speed Rail (TGV)

The first line of the TGV network was first opened in 1981 between Paris and Lyon and the network now extends throughout the country, with eight new lines either under construction or in the pipeline, including extensions within France and to surrounding countries. The network is currently operated by VFE, the long-distance rail branch of SNCF, the French national rail operator. Réseau Ferré de France (RFF), also state owned, owns and manages the network, and is responsible for upgrading, developing, and enhancing it and ensuring its overall coherence.

In 2007 RFF was allowed to enter into PPPs to finance and deliver projects, after safety and development legislation came into effect.This has allowed France to build more projects beyond the capacity of the state budget, as well as share risks with project partners. More recently, TGV lines have been procured on a PPP basis, with either demand or availability risk, which has allowed more lines to be built with the help of private financing and expertise.

Standard French public procurement is similar to US design-bid-build, with the same downsides. Now the French allow HSR concession contracts and availability-based contracts (design-build-finance-operate-maintain), as follows:

- HSR concession contracts (Example project: Sud Europe Atlantique HSL)

  • Contract awarded to concessionaire, which has to operate, maintain, and make financial investment

- Concessionaire operates infrastructure independently, at its own risk for long periods (50 years)

- Revenues from railroad operator access fees

- No revenue guarantee; however, public subsidy made available at bid process partially funds construction costs

- Availability-based contracts (design-build-finance-operate-maintain)(This was the model for the Florida project)GSM-R, Bretagne-Pays de la Loire, Contournement de Nîmes Montpellier

  - Public sector comparator process required

  - Contracting authority pays:

    – During operation

    – Based on performance & availability

  - Revenues may (minimally) come from additional sources and/or revenues subject to commercial risk

8. High Speed Rail in Spain

The Spanish Ministry of Transport has begun the tender process for the $8 billion dollar Olmedo to Orense high-speed rail line PPP, which is the country's largest PPP to date. The mega-project will require the private sector to build and maintain the high-speed railway that will help link Madrid to the Galicia region, including 344 kilometers of greenfield track connecting Olmedo to Orense, for a period of 30 years. It will also require the private partner to help design the rail line, build and maintain it, and implement the required signaling and telecommunications infrastructure. The tender process will involve three stages: the pre-qualification of candidates; submission of initial offers followed by a negotiation period; and a final offer stage. The ministry hopes to have the line operational by the end of 2015.

Like all projects that form part of Spain's PPP program, the high-speed rail line will be backed by availability payments – public contributions that are paid to the private sector in return for making an asset available in good condition. The government is expected to contribute 40 percent of the $6 billion dollars (excluding VAT) required for the project, with the maintenance to cost $2 billion dollars (excluding VAT) over a 25-year period. It is expected that the successful bidders of each of these concessions will form a limited company in which ADIF, the state-owned company overseen by the Department of Transport and charged with the management of the project, will have a minority holding.

In addition, it was announced on April 26, 2011 the start of tendering for two PPP contracts to complete the 450 km high speed line between Madrid and Badajoz in Extremadura. The winning bidders would part-finance work with a combined estimated cost of $5 billion dollars, including maintenance over a period of 25 years, forming a special-purpose vehicle with infrastructure manager ADIF to execute the project. The first contract covers civil works and maintenance on the Madrid - Sevilla high speed line and Oropesa. Tracklaying, electrification, signaling, telecommunications and other railway equipment will be let in a second package. According to the Spanish Ministry of Development, civil works and tracklaying are expected to cost up to $3.3billion dollars, while the budget for other railway works is 3.5billion dollars. Of these totals, 40% would be provided by ADIF during the construction phase, with the remainder raised through long-term debt. Availability payments would be made over 25 years.

9. Summary of International HSR Projects with PPPs.

In sum, a number of European and Asian high speed rail projects have been constructed, are proposed for construction, or are already under construction. Of those proposed or under construction, including new builds within an existing system using a PPP structure is recognized as a viable and effective way to manage certain project risks, reduce government expense and produce expedited results.

Although there have not been public-private partnerships undertaken in the American railroad industry for over 80 years, there have been several other developments of transportation infrastructure in a similar manner,such as in the development of toll roadways or parking concessions.

In establishing creative public-private partnerships, governments can tap into the $500 billion that is currently available for investment in such projects from private financial institutions on Wall Street, in pension funds, and in the banking sector. The federal government must create the proper political environment and financial incentives that minimize risk and maximize return. Furthermore, there is a potential for a high return on investment (ROI) for public projects such as this because of the existing market of experienced rail riders in large urban areas along the NEC and other urban areas.

VI. BEST PRACTICES FOR U.S. HIGH SPEED RAIL PROJECTS

One of advantages to being last to market is the ability to learn from those that paved the way before us. Thus, we can learn from the many examples of PPP's used before. The key to success is to incentivize the private sector in conjunction with targeted expenditures of public funds. These incentives must be created and implemented through federal legislation. USHSR has proposed and distributed publically a model legislation entitled the "Private Investment in High Speed Rail Act of 2011." Under such legislation, private companies seeking to invest in rail projects stand to gain specialized benefits as well as other concessions for investment in the construction and operation of the nation's HSR rail lines.

The experience of countries implementing a high speed rail system suggests certain "best practices" for consideration in construction of a U.S. high speed rail network. Among those practices are:

1) Establish bi-partisan political support for the project, as there almost certainly will be changes in politics during the time from the tender for bids to first operations.
2) Ensure strong and robust project participants and organization, especially from the private side.
3) Determine the right level of risk transfer from the public to the private sector.
4) Unbundle the overall project into more manageable portions and phases that will attract private parties.
5) Standardize project build specifications and components for integration with other builds and to achieve cost savings through volume purchases.
6) Control integration of the various project components, with each other and with the legacy system.
7) Use both the private and the public markets to raise capital.
8) Anticipate technological and other changes affecting the project.

VII. SIGNIFICANT PROVISIONS OF THE BILL

The key to success is to incentivize the private sector in conjunction with targeted expenditures of public funds. These incentives can be created and implemented through federal legislation. Last month USHSR proposed and publicly distributed model legislation entitled "Private Investment in High Speed Rail Act of 2011." Under such legislation, private companies seeking to invest in public projects stand to gain specialized benefits as well as other concessions for investment in the construction and operation of the nation's HSR rail lines.

The Bill aims to designate HSR systems as "Projects of National Significance" to justify expedited processing of requests for environmental approvals, permits, and funding. It includes incentives that will 1) create jobs through support of the "Buy America," green energy and small business initiatives, 2) revitalize our transportation infrastructure, 3) allow private investment in Amtrak through stock and bond issuances, 4) give tax credits and flexible repayment options to businesses, 5) expand RRIF and TIFIA programs, 6) advance the creation of an infrastructure bank as proposed by a bipartisan group of Senators led by John Kerry, Kay Bailey Hutchison and Mark Warner, and 7) use public funds from FRA to leverage state public-private partnerships financing for HSR. The end result means less reliance on public funds, thereby expediting HSRdevelopment, design, and construction at a reduced cost. Meanwhile, the public partner (federal and state governments) retains some control and management of the overall rail program to ensure that publicand government standards are met.

Many states have already signed legislation that encourages public-private partnerships. Most recently Illinois has passed and the Governor just signed legislation that will create the

Midwest Illinois HSR Commission that will be responsible for recommending the best way to implement a public-private partnership to supplement a portion of its HSR funding gap. Moreover, Georgia and Ohio have both signed bills heralding a new wave of thinking about funding projects of this magnitude. In Georgia, its General Assembly approved a water project bill that allows construction of reservoirs by public-private partnerships. Last month, Ohio's Governor John Kasich signed a $6.8 billion transportation budget bill which includes a public-private partnership option. He remarked that it will help the state "get more infrastructures for less." It is this growing trend that illustrates the necessity of establishing a federal program that will further assist the development of HSR projects. Due to the current economic climate and record budget deficits, America must use all available financial resources to make our rail transportation network more competitive with other nations' around the world.

VIII. CONCLUSION

At this time, this Committee and the entire Congress have an excellent opportunity to develop a public-private partnership model to fill a portion of the gap for HSR funding. The public-private partnership team of investors, lawyers, and public officials that successfully develops this model will likely be applauded for decades as the private sector helps develop HSR systems across America. We are confident that market forces will make the business case for HSR and this will show that additional federal funding is well placed as the foundation of our nation's infrastructure. The first test of the private market should occur this year when several states are expected to release their Requests For Qualifications (RFQs) to bidders. The RFQs will likely contain requirements for private investment to supplement federal and state funding.

Thank you, Mr. Chairman and Members of the Committee, for your time and your leadership. The USHSR looks forward to working with you in the future, and I welcome the Committee's questions and comments.

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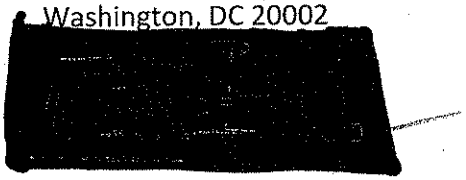

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE

Truth in Testimony Disclosure

Pursuant to clause 2(g)(5) of House Rule XI, in the case of a witness appearing in a nongovernmental capacity, a written statement of proposed testimony shall include: (1) a curriculum vitae; and (2) a disclosure of the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by the witness or by an entity represented by the witness. Such statements, with appropriate redaction to protect the privacy of the witness, shall be made publicly available in electronic form not later than one day after the witness appears.

(1) Name:

Thomas A. Hart, Jr.

(2) Other than yourself, name of entity you are representing:

United States High Speed Rail Association

(3) Are you testifying on behalf of an entity other than a Government (federal, state, local) entity?

☒ **YES** **If yes, please provide the information requested below and attach your curriculum vitae.**

☐ **NO**

(4) Please list the amount and source (by agency and program) of each Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two previous fiscal years by you or by the entity you are representing:

NONE

Thomas A. Hart Jr.

Signature

06/20/2011

Date

Thomas Hart, Esq.

Vice President,
Government Affairs & General Counsel

Biography

Mr. Hart is responsible for USHSR's efforts to advocate for policy and legislation for high speed rail in America. In this role, Mr. Hart works with federal, state and local elected officials, the White House and federal agencies. As an advisor, Mr. Hart frequently appears on professional panels on HSR, financial services, telecommunications, congressional affairs and other domestic and international issues. While at USHSR, Mr. Hart has proposed federal legislation entitled the "Private Investment in High Speed Rail Act of 2011," designed to promote private investment and government incentives for HSR projects. He also spearheaded the creation of the USHSR Small Business Database to spark small business procurement opportunities in the HSR industry.

Mr. Hart is Director of the Washington Office of the national law firm of Quarles & Brady. Prior to joining USHSR, Mr. Hart was a partner at Holland & Knight, LLP where he practiced telecom, real estate, and corporate law. During his 25 years in legal practice, he has represented numerous prestigious clients including the National Bankers Association, Verizon, XM Satellite and the Congressional Black Caucus. He was the Founder and Vice Chairman of the Telecommunications Development Fund which was created by Congress as part of the Telecommunications Act of 1996 to assist small businesses gain access to capital. He is a former member of the Board of Directors of the African-American Real Estate Professionals Organization (AAREP). Mr. Hart recently testified at a Town Hall Meeting organized by members of the California Legislature in Los Angeles, concerning opportunities for small businesses in the HSR industry.

Mr. Hart holds a Bachelor's degree in economics from Brown University, and a J.D. from Georgetown University Law Center. He is admitted to practice before the District of Columbia and the U.S. Court of Appeals for the Eighth, Tenth, and District of Columbia Circuits, and is a member of the Bar of the United States Supreme Court.

Company Profile

The United States High Speed Rail Association advocates for the development of a state-of-the-art national high speed rail network across the country. USHSR is an independent, nonprofit trade association created with a vision for a 21st century high speed rail system that reaches speeds in excess of 200 miles per hour.

This new national electric transportation project will revive the American economy by creating millions of jobs. It will also greatly reduce our dependence on oil and significantly reduce our national carbon footprint. HSR corridors will also create efficient mobility and real estate development that's safe, convenient and affordable.

Vision

Our vision includes a national HSR system, connecting cities and states in an integrated way, constructed with an aggressive schedule for full system build out by 2030. Our vision sets high standards for a dedicated track, advanced control systems, elegant multi-modal train stations, and high tech trains. We promote the "best practices" and operation models from HSR systems throughout the world.