



November 26, 2025

**TO:**

Hon. Sam Graves, Chair  
House Committee on Transportation &  
Infrastructure

Hon. Rick Larsen, Ranking Member  
House Committee on Transportation &  
Infrastructure

Hon. Daniel Webster, Chair  
House Subcommittee on Railroads, Pipelines,  
and Hazardous Materials

Hon. Dina Titus, Ranking Member  
House Subcommittee on Railroads, Pipelines,  
and Hazardous Materials

**CC:**

Hon. Brett Guthrie, Chair  
House Committee on Energy & Commerce

Hon. Frank Pallone, Ranking Member  
House Committee on Energy & Commerce

Hon. Richard Hudson, Chair  
House Subcommittee on Communications &  
Technology

Hon. Doris Matsui, Ranking Member  
House Subcommittee on Communications &  
Technology

Hon. Ted Cruz, Chair  
Senate Committee on Commerce, Science &  
Transportation

Hon. Maria Cantwell, Ranking Member  
Senate Committee on Commerce, Science &  
Transportation

**Re: HR 6046**

**Dear Chairs Graves and Webster and Ranking Members Larsen and Titus,**

We are writing to bring to your attention HR 6046. This bill was passed unanimously on November 18, 2025 by the House Communications & Technology Subcommittee of the Energy & Commerce Committee.<sup>1</sup>

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<sup>1</sup> Final text adopted as an amendment in the nature of a substitute on November 18, 2025

This bill usurps authority and designates the FCC as “the sole Federal agency with jurisdiction” to adjudicate disputes between railroad companies and communications companies.

We believe the bill should be amended to preserve FRA authority. At a minimum, the speaker should refer this bill to the Transportation & Infrastructure Committee for consideration.

- [HR 6046](#), the Broadband and Telecommunications RAIL Act, would speed deployment of communications facilities in public rights-of-way that cross railway corridors and in railway rights-of-way. The bill also authorizes a power grab by FCC, usurping authority from the Federal Railroad Administration (FRA), even though the bill has not been referred to the Transportation & Infrastructure Committee in the House, which has jurisdiction over FRA.
  - **AMEND** the applicability of this bill (which is currently “telecommunications and broadband service facilities”) to exclude wireless facilities and wired infrastructure that will be used to deploy wireless facilities (for example as backhaul to connect cell towers).
  - **AMEND** Section 723(c)(2) of the bill to make FRA the sole Federal agency with jurisdiction to hear petitions for dispute resolution between telecom carriers and railroads. The FCC is a captured agency and has zero objectivity when it comes to communications matters.

#### **Other issues of note for railroad carriers:**

- Imposes “shot clocks” on railroad carriers for processing communications applications page 3 (a)(3) and (b)(2)
- In addition to making the FCC the sole agency for adjudicating disputes between railroad carriers and communications providers, it requires the unsuccessful party in any such dispute to reimburse the FCC for its expert costs to evaluate the dispute. Given that the FCC is notoriously captured<sup>2</sup> and typically rules in favor of wireless providers seeking to deploy communications facilities, this fee provision is a means for communications providers to bully railroads. The fee provision is a deterrent for railroads to push back on unreasonable or hazardous wireless deployments because the railroad carrier knows it will likely lose at the FCC and have to pay the FCC’s costs. Page 11, Sec (c)(2)(C)(ii)]
- The bill limits the fees that railroad carriers can charge for these communications facilities. And prohibits railroad carriers from charging communications providers fees for ongoing monitoring and compliance of the facilities. The problem is that (a)

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<https://docs.house.gov/meetings/IF/IF16/20251118/118685/BILLS-119-6046-L000601-Amdt-2.pdf>

<sup>2</sup> "Captured Agency" by Norm Alster, [https://ethics.harvard.edu/files/center-for-ethics/files/capturedagency\\_alster.pdf](https://ethics.harvard.edu/files/center-for-ethics/files/capturedagency_alster.pdf).

communications companies are notorious for not complying with FCC rules of exposure limits or local building codes, and (b) the FCC does not enforce its own rules, but relies on local governments and private parties, such as railroad carriers, to identify violations. This bill goes further, prohibiting railroads from charging occupants (i.e., communications providers) even reasonable fees. The burden will be on the railroads to incur the cost of compliance to FCC's rules, and, in turn, may charge railroad customers any additional cost, in effect, compelling railroad customers to subsidize communications providers. This is typical of the kind of cost shifting that the FCC imposes on local governments to subsidize the communications industry, but this bill forces such costs upon private companies regulated by FRA.

- Ongoing monitoring applies to compliance with the FCC's radiofrequency exposure limits and building/electric codes. Railroads run through many sparsely populated areas. Communications facilities have been known to cause wildfires<sup>3</sup> and to collapse<sup>4</sup> after findings of lax maintenance including in areas adjacent to flammable vegetation.
  - Will railroads be allowed to require wireless providers to indemnify railroads for the risk of fire or collapse created by these facilities?
  - Or will the FCC issue a rule prohibiting such indemnities because, after the installation of a communications facility, they are deemed a form of compensation for railroad costs, which is not expressly allowed under the bill?<sup>5</sup> Page 7 sec (b)(4)
- Prohibits railroads from requiring communications providers to "obtain additional insurance" for the risks posed by communications facilities. In addition to the risk of fire and collapse described above, many of the risks posed by these facilities are not insurable.<sup>6</sup> Page 14, (d)(2)(A)
- Requires the FCC to "promulgate regulations (which may include regulations applicable to railroad carriers) to implement this section," in effect, giving statutory authority for the FCC to regulate railroads. Page 15 Sec (e)

Congress should not advance any legislation encouraging the deployment of wireless facilities or increasing the density of radiofrequency radiation in the United States until the FCC has complied with an order issued by the DC Circuit in 2021 in the case *Environmental Health Trust, et al. v. FCC* (DC Cir 2021, No. 20-1025), ordering the FCC to address 11,000 pages of evidence

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<sup>3</sup> <https://ehtrust.org/wp-content/uploads/wildfire-cell-tower-fact-sheet-EHT-2-11-24.pdf>

<sup>4</sup> <https://ehtrust.org/cell-tower-safety-risks-fires-collapse/>.

<sup>5</sup> The FCC has a history of refusing requests for communications providers to indemnify counterparties for the liabilities arising from wireless infrastructure. See fact sheet on satellite proliferation, footnote 23 <https://ehtrust.org/wp-content/uploads/Satellite-federal-bills-EHT-factsheet-9-21-24.pdf>

<sup>6</sup> Insurance companies such as Lloyd's of London and Swiss Re will not insure for personal injury from this radiation because of the high risk of claims, which may leave the city exposed for these injuries; see, <https://ehtrust.org/key-issues/electromagnetic-field-insurance-policy-exclusions/>.

on adverse impacts of wireless radiation. As a point of reference, our letter of September 18, 2025 to the House Energy & Commerce Committee and Communications & Technology Subcommittee goes further into detail on the FCC's failure to comply with the court order.<sup>7</sup>

Thank you for your consideration. We would be happy to discuss these matters.

Respectfully submitted,



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<sup>7</sup> <https://thenationalcall.org/wp-content/uploads/2025/10/02-NC4ST-CT-Testimony-9-18-25-FINAL.pdf>.

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