



Policy Memo: BUILD America 250 Act

House Committee on Transportation and Infrastructure, May 21, 2026

Two Consumer Priorities for Affordability

REJECT amendment to include the *Railway Safety Act*

SUPPORT the Fong *Amendment* for next-generation mobility

For affordability and for consumers, the **Consumer Choice Center** urges the Committee to take two actions during markup of the BUILD America 250 Act:

REJECT: Amendments importing the *Railway Safety Act* (S.3903 / H.R.7748)

Members are expected to offer the *Railway Safety Act of 2026* — or its provisions — as an amendment during markup. Framed as a safety reform, the RSA would impose prescriptive operational mandates: two-person crew requirements, congressionally-specified defect-detector standards, and inspection protocols.

The BUILD America 250 Act is the wrong vehicle for that approach.

- **Freight rail is the “middle mile” for nearly every product Americans buy.** Food, energy, and finished goods almost all travel by rail at some point between port, factory, and warehouse. Cost increases pass directly to the prices working families pay.
- **Operational mandates raise costs without measurably improving safety.** Locking in early-2000s practices via federal statute prevents adoption of cost-saving technology — precision control systems, automated wayside detection — that improves safety outcomes faster than crew-size rules.
- **Safety regulation belongs at the FRA, not in statute.** Performance-based rulemaking lets standards evolve with technology. One-size-fits-all statutory mandates do not.

CCC’s policy primer [The Consumer Case for Reimagining and Innovating Railroad Policy](#) documents how central-planning approaches to rail regulation historically raise shipping prices and reduce competition.

SUPPORT: Rep. Fong’s amendment on liability protections for next-generation mobility

The 2005 *Graves Amendment* (49 U.S.C. § 30106) ended the practice of plaintiff lawyers suing rental and leasing companies for accidents they did nothing to cause. It worked: rental rates fell, insurance pools stabilized, consumers saved billions.



Twenty years later, plaintiff lawyers have migrated to next-generation mobility (rideshare, peer-to-peer car-sharing, and delivery platforms) using the same playbook the Graves Amendment was designed to stop.

The BUILD America 250 Act is the right vehicle for this upgrade.

- **The 2026 reauthorization is the right vehicle.** SAFETEA-LU (the 2005 reauthorization) is where Graves was originally enacted. The BUILD America 250 Act already addresses vicarious liability for autonomous trucks; a one-line extension covers TNCs, P2P car-sharing, and delivery platforms.
- **Florida proved the savings are real.** After Florida’s 2023 tort overhaul, the share of an average Uber fare going to mandated insurance dropped two percentage points in a year. Statewide auto insurance rates fell 20%. Riders saved tens of millions.
- **The cost to taxpayers is zero.** No appropriation, no new agency, no rulemaking — a narrow preemption of vicarious-liability claims, with direct-negligence claims fully preserved.
- **The author of the original amendment chairs this committee.** The most consequential consumer-cost reform Congress can include in the BUILD America 250 Act is the one that bears Chairman Graves’s own name.
- **Rep. Fong’s amendment** (Fong 041) addresses these measures and more, and deserve support

CONTACT & SOURCES

Yaël Ossowski, Deputy Director — Consumer Choice Center | yael@consumerchoicecenter.org

- [The Consumer Case for Reimagining and Innovating Railroad Policy \(CCC, 2023\)](#)
- [Time to Clip the Wings of the Car Crash Lawyers \(Ossowski, CCC, May 2026\)](#)
- [Railway Safety Act of 2026 — S.3903 / H.R.7748](#)