

Brightline, Siemens Defeat Buy America Challenge to Rail Line

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Brightline West and Siemens Mobility Inc. won dismissal of Alstom Transportation Inc.'s lawsuit alleging that a Southern California-Las Vegas high-speed railway project violated Buy America requirements.

Alstom lacks standing to challenge the US Federal Railroad Administration's issuance of a Buy America waiver because it couldn't show a likelihood Alstom would have accepted its bid to provide equipment if the agency barred Siemens, which planned to build trains in Germany, Judge Jia M. Cobb of the US District Court for the District of Columbia said in a Tuesday order.

The railway project, which would allow travel between Southern California and Las Vegas in about two hours, will be the "first of its kind in the United States," the court said. The project must comply with Buy America requirements mandating that steel, iron, and goods are made domestically, the court said. A waiver is allowed in [circumstances](#) where "goods produced in the United States are not produced in a sufficient and reasonably available amount."

Brightline conducted a private procurement process to select a train vendor for the project. Alstom and Siemens Mobility submitted bids. Brightline selected Siemens, which planned to construct the first two trains in Germany, and to seek overseas sources for car shells. The agency then waived Buy America requirements on nonavailability grounds.

Alstom's July 2024 suit alleged that the waiver was arbitrary and capricious under the Administrative Procedure Act, and that the the agency exceeded its authority.

The suit is dismissed because Alstom didn't offer evidence that it could meet project requirements, Cobb said. The waiver decision said Alstom didn't manufacture high-speed rail trains in its New York facility that could meet Brightline's needs.

Alstom failed to produce evidence, the court also said, that Brightline would have selected Alstom had the agency not granted the waiver. Without such evidence, Cobb said, "it is 'entirely conjectural'" whether denying the waiver meant Brightline would choose Alstom.

Cobb said Alstom didn't show it should have standing to sue due to how Siemens allegedly received an unlawful advantage in the procurement process.

Brightline, not the US government, chose between Alstom and Siemens, the court said. The injury at issue in government procurement cases is denial of equal treatment by the government and Alstom didn't show how the government may have prevented private bidding on an equal basis "when there is no government procurement underway," according to Cobb's order.

Holwell Shuster & Goldberg LLP represented Alstom. Latham & Watkins LLP represented Siemens. Steptoe LLP, Stearns Weaver Miller Weissler Alhadeff & Sitterson PA represented Brightline.

The case is [Alstom Transp. Inc. v. Fed. Railroad Admin.](#) , D.D.C., No. 24-cv-2098, 12/16/25 .

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