

103^D CONGRESS
2^D SESSION

S. 2334

To improve safety at rail-highway grade crossings and railroad rights-of-way, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 28 (legislative day, JULY 20), 1994

Mr. BAUCUS (by request) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To improve safety at rail-highway grade crossings and railroad rights-of-way, 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 “Rail-Highway Grade
5 Crossing Safety Act of 1994”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds that—

8 (1) there are approximately 170,000 public and
9 110,000 private at-grade rail-highway crossings in
10 the United States;

1 (2) during 1993, there were nearly 4,900 acci-
2 dents at these crossings;

3 (3) it is necessary to improve safety at our
4 Nation's rail-highway crossings and along rail
5 rights-of-way;

6 (4) there are insufficient public funds to pro-
7 vide for the installation of warning systems that are
8 automatically activated by approaching trains at all
9 public crossings;

10 (5) many of the Nation's public rail-highway
11 crossings are unnecessary and should be closed;

12 (6) rail-highway crossing consolidation will re-
13 duce the potential for rail-highway crossing collisions
14 and will allow States to concentrate on improving
15 safety at the remaining crossings;

16 (7) incentives are needed to encourage State
17 and local governments to increase the consolidation
18 of rail-highway crossings; and

19 (8) increased funding must be provided to edu-
20 cate motorists in their responsibilities at crossings in
21 order to realize the full benefits from the public in-
22 vestment in rail-highway crossing warning systems.

1 **SEC. 3. RAIL-HIGHWAY GRADE CROSSING CLOSING PRO-**
2 **GRAM.**

3 (a) Section 120(c) of title 23, United States Code,
4 is amended by inserting “rail-highway crossing closures,”
5 after “vanpooling.”.

6 (b) Section 130 of title 23, United States Code, is
7 amended by relettering subsection (h) as (j) and adding
8 new subsections (h) and (i) to read as follows:

9 “(h) INCENTIVE FUNDS FOR CLOSING CROSSINGS.—

10 “(1) Subject to paragraph (2) of this sub-
11 section, any State after adopting a policy requiring
12 the review of the need for all new public at-grade
13 rail-highway crossings, may, in its discretion, use the
14 funds authorized under this section to provide an in-
15 centive payment to a local jurisdiction of a public at-
16 grade crossing.

17 “(2) The incentive payments authorized by
18 paragraph (1) of this subsection may not exceed
19 \$7,500, provided that the funds are matched by an
20 equal payment from the railroad owning the tracks
21 on which the crossing is located.

22 “(3) The local jurisdiction receiving funds
23 under this subsection shall use the Federal funds
24 portion of the incentive payment for transportation
25 safety improvements only.

1 “(i) PUBLIC BENEFITS AND COSTS ANALYSES.—
2 Within 18 months after the date of this Act, the Secretary
3 shall establish guidelines to enable States to determine the
4 public benefits and costs resulting from any new rail-high-
5 way grade crossing.”.

6 **SEC. 4. OPERATION LIFESAVER.**

7 Section 104(d)(1) of title 23, United States Code, is
8 amended by striking everything after “OPERATION LIFE-
9 SAVER.—” and inserting in lieu thereof the following: “Be-
10 fore making an apportionment of funds under
11 subsection(b)(3) for a fiscal year, the Secretary shall set
12 aside \$500,000 of the funds authorized to be appropriated
13 for the surface transportation program for such fiscal year
14 for carrying out a public information and education pro-
15 gram to help prevent and reduce motor vehicle accidents,
16 injuries, and fatalities and to improve driver performance
17 at railway-highway crossings, and to help prevent tres-
18 passing on rail rights-of-way and the resulting injuries and
19 fatalities, provided however, expenditure of any funds in
20 excess of \$300,000 shall be contingent upon receipt of
21 matching funds from non-public sources.”.

1 **SEC. 5. GRADE CROSSING CORRIDOR SAFETY INCENTIVE**
2 **PROGRAM.**

3 (a) Section 104 of title 23, United States Code, is
4 amended by adding a new paragraph (4) to subsection (d)
5 to read as follows:

6 “(4) GRADE CROSSING CORRIDOR SAFETY IN-
7 VENTIVE PROGRAM.—Before making an apportion-
8 ment of funds under subsection (b)(3) for a fiscal
9 year, the Secretary shall set aside \$15,000,000 of
10 the funds authorized to be appropriated for the sur-
11 face transportation program for such fiscal year to
12 carry out a program to provide a financial incentive
13 to States that would review and implement grade
14 crossing safety improvements on a corridor basis in
15 accordance with section 130(k) of title 23, United
16 States Code.”.

17 (b) Section 130 of title 23, United States Code, is
18 amended by adding subsection (k) to read as follows:

19 “(k) GRADE CROSSING CORRIDOR SAFETY INCEN-
20 TIVE PROGRAM.—

21 “(1) The Secretary shall carry out a program
22 to provide an additional financial incentive to States
23 that would review and implement grade crossing
24 safety improvements in a corridor basis. The finan-
25 cial incentive would be in addition to those funds

1 available in accordance with the preceding sub-
2 sections.

3 “(2) Funds authorized to be appropriated to
4 carry out his subsection shall be available for obliga-
5 tion at the discretion of the Secretary. The Sec-
6 retary shall issue investment criteria for approving
7 projects under this section.

8 “(3) All provisions of chapter 1 of title 23,
9 United States Code, other than provisions relating
10 to apportionment formula and Federal share, shall
11 apply to funds made available to carry out this sub-
12 section. Funds authorized to be appropriated to
13 carry out this section shall remain available until
14 expended.”.

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