

106TH CONGRESS  
2D SESSION

# H. R. 5082

To improve the quality of life and safety of persons living and working  
near railroad tracks.

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IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2000

Mr. ROTHMAN introduced the following bill; which was referred to the  
Committee on Transportation and Infrastructure

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## A BILL

To improve the quality of life and safety of persons living  
and working near railroad tracks.

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 “Local Participation  
5       in Railroad Operations Act”.

6       **SEC. 2. LOCAL INPUT.**

7       (a) AMENDMENT.—Chapter 109 of title 49, United  
8       States Code, is amended by adding at the end the fol-  
9       lowing new section:

1 **“§ 10908. Local input**

2       “(a) REQUIREMENT.—A rail carrier providing trans-  
3 portation subject to the jurisdiction of the Board under  
4 this part shall not construct, develop, or expand railroad  
5 maintenance facilities, intermodal rail transfer facilities,  
6 railroad sidings, railroad bridges, railroad yards, or other  
7 railroad facilities unless the Board determines that the rail  
8 carrier has—

9               “(1) provided local communities with appro-  
10 priate notice of such activities;

11               “(2) held at least one public hearing in each  
12 municipality which is directly affected by such activi-  
13 ties; and

14               “(3) made good faith efforts to address con-  
15 cerns raised in response to such notice.

16       “(b) APPROPRIATE NOTICE.—Not later than 6  
17 months after the date of the enactment of this section,  
18 the Board shall by regulation prescribe procedures that  
19 constitute appropriate notice under various foreseeable cir-  
20 cumstances, including emergency circumstances.”.

21       (b) TABLE OF SECTIONS.—The table of sections for  
22 such chapter 109 is amended by adding at the end the  
23 following new item:

“10908. Local input.”.

1 **SEC. 3. PUBLIC MEETINGS.**

2 (a) REQUIREMENT.—Within 6 months after the date  
3 of the enactment of this Act, and annually thereafter, the  
4 Secretary of Transportation shall convene 6 public meet-  
5 ings, including at least one in northern New Jersey, to  
6 provide an opportunity for the participants to present  
7 their views, respond to the views of others, and discuss  
8 issues relating to the quality of life and safety of persons  
9 who live, work, or are for any other reason near railroad  
10 tracks. The goal of such meetings shall be the identifica-  
11 tion of appropriate solutions to the quality-of-life and safe-  
12 ty problems that are discussed. The meetings shall be held  
13 in diverse geographic locations where the Secretary con-  
14 sider the need for and benefits to be derived from such  
15 meetings to be the greatest.

16 (b) PARTICIPATION.—The Secretary of Transpor-  
17 tation shall make every effort to ensure participation at  
18 such meetings by local elected officials, appropriate rep-  
19 resentatives of the Department of Transportation, State  
20 and local environmental protection agencies, local public  
21 health officials, railroad management, railroad labor, rail-  
22 road shippers, and individuals representing community in-  
23 terests.

24 (c) REPORTS TO CONGRESS.—The Secretary of  
25 Transportation shall, within 3 months after the comple-  
26 tion of each round of public meetings convened pursuant

1 to subsection (a), transmit to the Congress a report sum-  
2 marizing the results of the public meetings, and including  
3 recommendations to Congress for measures to help im-  
4 prove the quality of life and safety of persons who live,  
5 work, or are for any other reason near railroad tracks.

6 **SEC. 4. PROTECTING LOCAL RESIDENTS IN RAILROAD**  
7 **TRANSACTIONS.**

8 Section 11324 of title 49, United States Code, is  
9 amended by adding at the end the following new sub-  
10 section:

11 “(g) The Board shall not approve a transaction de-  
12 scribed in section 11323(a) unless the Board has received  
13 assurances that the rail carriers who will be responsible  
14 for rail operations resulting from or affected by the trans-  
15 action have addressed adequately and will continue to ad-  
16 dress adequately problems identified with respect to the  
17 quality of life and safety of persons who live, work, or are  
18 for any other reason near railroad tracks.”.

19 **SEC. 5. REGULATIONS TO REDUCE NOISE POLLUTION**  
20 **ALONG RAILROAD LINES.**

21 (a) REQUIREMENT.—Within 6 months after the date  
22 of the enactment of this Act, the Administrator of the En-  
23 vironmental Protection Agency, after consultation with the  
24 Secretary of Transportation, shall publish in the Federal

1 Register proposed regulations for reducing noise pollution  
2 generated from railroad operations and railroad facilities.

3 (b) PUBLIC HEALTH AND WELFARE.—Such regula-  
4 tions shall be prescribed to protect the public health and  
5 welfare, including the health and welfare of persons who  
6 live, work, or are for any other reason near railroad  
7 tracks, taking into account the degree of noise reduction  
8 improvements achievable through the application of the  
9 best available technology and the cost of compliance.

10 (c) AUDIBLE WARNINGS.—In prescribing such regu-  
11 lations, the Administrator shall give strong consideration  
12 to section 20153 of title 49, United States Code, and shall  
13 seek to ensure that public safety is not compromised.

14 (d) FINAL REGULATIONS.—Within 90 days after  
15 publication of proposed regulations under subsection (a),  
16 the Administrator shall promulgate final regulations. Reg-  
17 ulations issued under this section shall be in lieu of any  
18 Federal railroad-related noise regulations for locomotives  
19 and rail cars. Such regulations may be revised, from time  
20 to time, in accordance with this section.

21 (e) REPEAL.—Upon the issuance of final regulations  
22 under subsection (d), section 17 of the Noise Control Act  
23 of 1972 (42 U.S.C. 4916) is repealed.

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