

107TH CONGRESS
2D SESSION

H. R. 4466

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To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, and for other purposes.

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To amend title 49, United States Code, to authorize appropriations for the National Transportation Safety Board for fiscal years 2003, 2004, and 2005, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “National Transpor-
3 tation Safety Board Reauthorization Act of 2002”.

4 **TITLE I—NTSB**
5 **REAUTHORIZATION**

6 **SEC. 101. AUTHORIZATION OF APPROPRIATIONS.**

7 (a) FISCAL YEARS 2003–2005.—Section 1118(a) of
8 title 49, United States Code, is amended—

9 (1) by striking “and”; and

10 (2) by striking “such sums to” and inserting
11 the following: “\$73,325,000 for fiscal year 2003,
12 \$84,999,000 for fiscal year 2004, and \$89,687,000
13 for fiscal year 2005. Such sums shall”.

14 (b) EMERGENCY FUND.—Section 1118(b) of such
15 title is amended by striking the second sentence and in-
16 serting the following: “In addition, there are authorized
17 to be appropriated such sums as may be necessary to in-
18 crease the fund to, and maintain the fund at, a level of
19 not to exceed \$6,000,000.”.

20 (c) NTSB ACADEMY.—Section 1118 of such title is
21 amended by adding at the end the following:

22 “(c) ACADEMY.—There are authorized to be appro-
23 priated to the Board for necessary expenses of the Na-
24 tional Transportation Safety Board Academy, not other-
25 wise provided for, \$3,347,000 for fiscal year 2003,
26 \$4,896,000 for fiscal year 2004, and \$4,995,000 for fiscal

1 year 2005. Such sums shall remain available until ex-
2 pended.”.

3 **SEC. 102. ACCIDENT AND SAFETY DATA CLASSIFICATION**
4 **AND PUBLICATION.**

5 Section 1119 of title 49, United States Code, is
6 amended by adding at the end the following:

7 “(c) APPEALS.—

8 “(1) NOTIFICATION OF RIGHTS.—In any case
9 in which an employee of the Board determines that
10 an occurrence associated with the operation of an
11 aircraft constitutes an accident, the employee shall
12 notify the owner or operator of that aircraft of the
13 right to appeal that determination to the Board.

14 “(2) PROCEDURE.—The Board shall establish
15 and publish the procedures for appeals under this
16 subsection.

17 “(3) LIMITATION ON APPLICABILITY.—This
18 subsection shall not apply in the case of an accident
19 that results in a loss of life.”.

20 **SEC. 103. SECRETARY OF TRANSPORTATION’S RESPONSES**
21 **TO SAFETY RECOMMENDATIONS.**

22 Section 1135(d) of title 49, United States Code, is
23 amended to read as follows:

24 “(d) REPORTING REQUIREMENTS.—

1 “(1) ANNUAL SECRETARIAL REGULATORY STA-
2 TUS REPORTS.—On February 1 of each year, the
3 Secretary shall submit a report to Congress and the
4 Board containing the regulatory status of each sig-
5 nificant safety recommendation made by the Board
6 to the Secretary (or to an Administration within the
7 Department). The Secretary shall continue to report
8 on the regulatory status of each such recommenda-
9 tion in the report due on February 1 of subsequent
10 years until final regulatory action is taken on that
11 recommendation or the Secretary (or an Administra-
12 tion within the Department) determines and states
13 in such a report that no action should be taken.

14 “(2) FAILURE TO REPORT.—If on March 1 of
15 each year the Board has not received the Secretary’s
16 report required by this subsection, the Board shall
17 notify the Committee on Transportation and Infra-
18 structure of the House of Representatives and the
19 Committee on Commerce, Science, and Transporta-
20 tion of the Senate of the Secretary’s failure to
21 submit the required report.

22 “(3) SIGNIFICANT SAFETY RECOMMENDATION
23 DEFINED.—For the purposes of this subsection, the
24 term ‘significant safety recommendation’ means a

1 recommendation included in the Board’s ‘most want-
2 ed list’.

3 “(4) TERMINATION.—This subsection shall
4 cease to be in effect after the report required to be
5 filed on February 1, 2007, is filed.”.

6 **SEC. 104. ASSISTANCE TO FAMILIES OF PASSENGERS IN-**
7 **INVOLVED IN AIRCRAFT ACCIDENTS.**

8 (a) RELINQUISHMENT OF INVESTIGATIVE PRI-
9 ORITY.—Section 1136 of title 49, United States Code, is
10 amended by adding at the end the following:

11 “(j) RELINQUISHMENT OF INVESTIGATIVE PRI-
12 ORITY.—

13 “(1) GENERAL RULE.—This section (other than
14 subsection (g)) shall not apply to an aircraft acci-
15 dent if the Board has relinquished investigative pri-
16 ority under section 1131(a)(2)(B) and the Federal
17 agency to which the Board relinquished investigative
18 priority is willing and able to provide assistance to
19 the victims and families of the passengers involved
20 in the accident.

21 “(2) BOARD ASSISTANCE.—If this section does
22 not apply to an aircraft accident because the Board
23 has relinquished investigative priority with respect to
24 the accident, the Board shall assist, to the maximum
25 extent possible, the agency to which the Board has

1 relinquished investigative priority in assisting fami-
2 lies with respect to the accident.”.

3 (b) **REVISION OF MOU.**—Not later than 1 year after
4 the date of enactment of this Act, the National Transpor-
5 tation Safety Board and the Federal Bureau of Investiga-
6 tion shall revise their 1977 agreement on the investigation
7 of accidents to take into account the amendments made
8 by this section and title II and shall submit a copy of the
9 revised agreement to the Committee on Transportation
10 and Infrastructure of the House of Representatives and
11 the Committee on Commerce, Science, and Transportation
12 of the Senate.

13 **SEC. 105. TECHNICAL AMENDMENTS.**

14 Section 1131(a)(2) of title 49, United States Code,
15 is amended by moving subparagraphs (B) and (C) 4 ems
16 to the left.

17 **SEC. 106. ADVERSE EFFECTS OF CARRY-ON BAGGAGE.**

18 (a) **STUDY.**—The National Transportation Safety
19 Board shall conduct a study to identify the adverse effects,
20 including passenger injuries or other safety problems, as-
21 sociated with carry-on baggage stored in overhead bins
22 aboard passenger aircraft and sufficient ways to deal with
23 such problems.

24 (b) **REPORT.**—Not later than 6 months after the date
25 of enactment of this Act, the Board shall report to the

1 Committee on Transportation and Infrastructure of the
2 House of Representatives and the Committee on Com-
3 merce, Science, and Transportation of the Senate on the
4 results of the study.

5 **TITLE II—RAILROAD FAMILY**
6 **ASSISTANCE**

7 **SEC. 201. ASSISTANCE BY NATIONAL TRANSPORTATION**
8 **SAFETY BOARD TO FAMILIES OF PAS-**
9 **SENGERS INVOLVED IN RAIL PASSENGER AC-**
10 **CIDENTS.**

11 (a) IN GENERAL.—Subchapter III of chapter 11 of
12 title 49, United States Code, is amended by adding at the
13 end the following:

14 **“§ 1138. Assistance to families of passengers involved**
15 **in rail passenger accidents**

16 “(a) IN GENERAL.—As soon as practicable after
17 being notified of a rail passenger accident within the
18 United States involving a rail passenger carrier and result-
19 ing in a major loss of life, the Chairman of the National
20 Transportation Safety Board shall—

21 “(1) designate and publicize the name and
22 phone number of a director of family support serv-
23 ices who shall be an employee of the Board and shall
24 be responsible for acting as a point of contact within
25 the Federal Government for the families of pas-

1 sengers involved in the accident and a liaison be-
2 tween the rail passenger carrier and the families;
3 and

4 “(2) designate an independent nonprofit organi-
5 zation, with experience in disasters and posttrauma
6 communication with families, which shall have pri-
7 mary responsibility for coordinating the emotional
8 care and support of the families of passengers in-
9 volved in the accident.

10 “(b) RESPONSIBILITIES OF THE BOARD.—The Board
11 shall have primary Federal responsibility for—

12 “(1) facilitating the recovery and identification
13 of fatally injured passengers involved in an accident
14 described in subsection (a); and

15 “(2) communicating with the families of pas-
16 sengers involved in the accident as to the roles of—

17 “(A) the organization designated for an ac-
18 cident under subsection (a)(2);

19 “(B) Government agencies; and

20 “(C) the rail passenger carrier involved,
21 with respect to the accident and the post-accident
22 activities.

23 “(c) RESPONSIBILITIES OF DESIGNATED ORGANIZA-
24 TION.—The organization designated for an accident under
25 subsection (a)(2) shall have the following responsibilities

1 with respect to the families of passengers involved in the
2 accident:

3 “(1) To provide mental health and counseling
4 services, in coordination with the disaster response
5 team of the rail passenger carrier involved.

6 “(2) To take such actions as may be necessary
7 to provide an environment in which the families may
8 grieve in private.

9 “(3) To meet with the families who have trav-
10 eled to the location of the accident, to contact the
11 families unable to travel to such location, and to
12 contact all affected families periodically thereafter
13 until such time as the organization, in consultation
14 with the director of family support services des-
15 ignated for the accident under subsection (a)(1), de-
16 termines that further assistance is no longer needed.

17 “(4) To arrange a suitable memorial service, in
18 consultation with the families.

19 “(d) PASSENGER LISTS.—

20 “(1) REQUESTS FOR PASSENGER LISTS.—

21 “(A) REQUESTS BY DIRECTOR OF FAMILY
22 SUPPORT SERVICES.—It shall be the responsi-
23 bility of the director of family support services
24 designated for an accident under subsection
25 (a)(1) to request, as soon as practicable, from

1 the rail passenger carrier involved in the acci-
2 dent a list, which is based on the best available
3 information at the time of the request, of the
4 names of the passengers that were aboard the
5 rail passenger carrier's train involved in the ac-
6 cident. A rail passenger carrier shall use rea-
7 sonable efforts, with respect to its unreserved
8 trains, and passengers not holding reservations
9 on its other trains, to ascertain the names of
10 passengers aboard a train involved in an acci-
11 dent.

12 “(B) REQUESTS BY DESIGNATED ORGANI-
13 ZATION.—The organization designated for an
14 accident under subsection (a)(2) may request
15 from the rail passenger carrier involved in the
16 accident a list described in subparagraph (A).

17 “(2) USE OF INFORMATION.—The director of
18 family support services and the organization may
19 not release to any person information on a list ob-
20 tained under paragraph (1) but may provide infor-
21 mation on the list about a passenger to the family
22 of the passenger to the extent that the director of
23 family support services or the organization considers
24 appropriate.

1 “(e) CONTINUING RESPONSIBILITIES OF THE
2 BOARD.—In the course of its investigation of an accident
3 described in subsection (a), the Board shall, to the max-
4 imum extent practicable, ensure that the families of pas-
5 sengers involved in the accident—

6 “(1) are briefed, prior to any public briefing,
7 about the accident and any other findings from the
8 investigation; and

9 “(2) are individually informed of and allowed to
10 attend any public hearings and meetings of the
11 Board about the accident.

12 “(f) USE OF RAIL PASSENGER CARRIER RE-
13 SOURCES.—To the extent practicable, the organization
14 designated for an accident under subsection (a)(2) shall
15 coordinate its activities with the rail passenger carrier in-
16 volved in the accident to facilitate the reasonable use of
17 the resources of the carrier.

18 “(g) PROHIBITED ACTIONS.—

19 “(1) ACTIONS TO IMPEDE THE BOARD.—No
20 person (including a State or political subdivision)
21 may impede the ability of the Board (including the
22 director of family support services designated for an
23 accident under subsection (a)(1)), or an organization
24 designated for an accident under subsection (a)(2),
25 to carry out its responsibilities under this section or

1 the ability of the families of passengers involved in
2 the accident to have contact with one another.

3 “(2) UNSOLICITED COMMUNICATIONS.—No un-
4 solicited communication concerning a potential ac-
5 tion for personal injury or wrongful death may be
6 made by an attorney (including any associate, agent,
7 employee, or other representative of an attorney) or
8 any potential party to the litigation to an individual
9 (other than an employee of the rail passenger car-
10 rier) injured in the accident, or to a relative of an
11 individual involved in the accident, before the 45th
12 day following the date of the accident.

13 “(3) PROHIBITION ON ACTIONS TO PREVENT
14 MENTAL HEALTH AND COUNSELING SERVICES.—No
15 State or political subdivision may prevent the em-
16 ployees, agents, or volunteers of an organization des-
17 ignated for an accident under subsection (a)(2) from
18 providing mental health and counseling services
19 under subsection (c)(1) in the 30-day period begin-
20 ning on the date of the accident. The director of
21 family support services designated for the accident
22 under subsection (a)(1) may extend such period for
23 not to exceed an additional 30 days if the director
24 determines that the extension is necessary to meet

1 the needs of the families and if State and local au-
2 thorities are notified of the determination.

3 “(h) DEFINITIONS.—In this section, the following
4 definitions apply:

5 “(1) RAIL PASSENGER ACCIDENT.—The term
6 ‘rail passenger accident’ means any rail passenger
7 disaster occurring in the provision of—

8 “(A) interstate intercity rail passenger
9 transportation (as such term is defined in sec-
10 tion 24102); or

11 “(B) interstate or intrastate high-speed
12 rail (as such term is defined in section 26105)
13 transportation,

14 regardless of its cause or suspected cause.

15 “(2) RAIL PASSENGER CARRIER.—The term
16 ‘rail passenger carrier’ means a rail carrier
17 providing—

18 “(A) interstate intercity rail passenger
19 transportation (as such term is defined in sec-
20 tion 24102); or

21 “(B) interstate or intrastate high-speed
22 rail (as such term is defined in section 26105)
23 transportation,

24 except that such term shall not include a tourist,
25 historic, scenic, or excursion rail carrier.

1 “(3) PASSENGER.—The term ‘passenger’
2 includes—

3 “(A) an employee of a rail passenger car-
4 rier aboard a train;

5 “(B) any other person aboard the train
6 without regard to whether the person paid for
7 the transportation, occupied a seat, or held a
8 reservation for the rail transportation; and

9 “(C) any other person injured or killed in
10 the accident.

11 “(i) LIMITATION ON STATUTORY CONSTRUCTION.—
12 Nothing in this section may be construed as limiting the
13 actions that a rail passenger carrier may take, or the obli-
14 gations that a rail passenger carrier may have, in pro-
15 viding assistance to the families of passengers involved in
16 a rail passenger accident.

17 “(j) RELINQUISHMENT OF INVESTIGATIVE PRI-
18 ORITY.—

19 “(1) GENERAL RULE.—This section (other than
20 subsection (g)) shall not apply to a railroad accident
21 if the Board has relinquished investigative priority
22 under section 1131(a)(2)(B) and the Federal agency
23 to which the Board relinquished investigative pri-
24 ority is willing and able to provide assistance to the

1 victims and families of the passengers involved in
2 the accident.

3 “(2) BOARD ASSISTANCE.—If this section does
4 not apply to a railroad accident because the Board
5 has relinquished investigative priority with respect to
6 the accident, the Board shall assist, to the maximum
7 extent possible, the agency to which the Board has
8 relinquished investigative priority in assisting fami-
9 lies with respect to the accident.”.

10 (b) CONFORMING AMENDMENT.—The table of sec-
11 tions for such chapter is amended by inserting after the
12 item relating to section 1137 the following:

“1138. Assistance to families of passengers involved in rail passenger acci-
dents.”.

13 **SEC. 202. RAIL PASSENGER CARRIER PLANS TO ADDRESS**
14 **NEEDS OF FAMILIES OF PASSENGERS IN-**
15 **VOLVED IN RAIL PASSENGER ACCIDENTS.**

16 (a) IN GENERAL.—Part C of subtitle V of title 49,
17 United States Code, is amended by adding at the end the
18 following new chapter:

19 **“CHAPTER 251—FAMILY ASSISTANCE**

“Sec.

“25101. Plans to address needs of families of passengers involved in rail pas-
senger accidents.

1 **“§ 25101. Plans to address needs of families of pas-**
2 **sengers involved in rail passenger acci-**
3 **dents**

4 “(a) SUBMISSION OF PLANS.—Not later than 6
5 months after the date of the enactment of this section,
6 each rail passenger carrier shall submit to the Secretary
7 of Transportation and the Chairman of the National
8 Transportation Safety Board a plan for addressing the
9 needs of the families of passengers involved in any rail
10 passenger accident involving a train of the rail passenger
11 carrier and resulting in a major loss of life.

12 “(b) CONTENTS OF PLANS.—A plan to be submitted
13 by a rail passenger carrier under subsection (a) shall in-
14 clude, at a minimum, the following:

15 “(1) A plan for publicizing a reliable, toll-free
16 telephone number, and for providing staff, to handle
17 calls from the families of the passengers.

18 “(2) A process for notifying the families of the
19 passengers, before providing any public notice of the
20 names of the passengers, either by utilizing the serv-
21 ices of the organization designated for the accident
22 under section 1138(a)(2) of this title or the services
23 of other suitably trained individuals.

24 “(3) An assurance that the notice described in
25 paragraph (2) will be provided to the family of a
26 passenger as soon as the rail passenger carrier has

1 verified that the passenger was aboard the train
2 (whether or not the names of all of the passengers
3 have been verified) and, to the extent practicable, in
4 person.

5 “(4) An assurance that the rail passenger car-
6 rier will provide to the director of family support
7 services designated for the accident under section
8 1138(a)(1) of this title, and to the organization des-
9 ignated for the accident under section 1138(a)(2) of
10 this title, immediately upon request, a list (which is
11 based on the best available information at the time
12 of the request) of the names of the passengers
13 aboard the train (whether or not such names have
14 been verified), and will periodically update the list.
15 The plan shall include a procedure, with respect to
16 unreserved trains and passengers not holding res-
17 ervations on other trains, for the rail passenger car-
18 rier to use reasonable efforts to ascertain the names
19 of passengers aboard a train involved in an accident.

20 “(5) An assurance that the family of each pas-
21 senger will be consulted about the disposition of all
22 remains and personal effects of the passenger within
23 the control of the rail passenger carrier.

24 “(6) An assurance that if requested by the fam-
25 ily of a passenger, any possession of the passenger

1 within the control of the rail passenger carrier (re-
2 gardless of its condition) will be returned to the fam-
3 ily unless the possession is needed for the accident
4 investigation or any criminal investigation.

5 “(7) An assurance that any unclaimed posses-
6 sion of a passenger within the control of the rail
7 passenger carrier will be retained by the rail pas-
8 senger carrier for at least 18 months.

9 “(8) An assurance that the family of each pas-
10 senger or other person killed in the accident will be
11 consulted about construction by the rail passenger
12 carrier of any monument to the passengers, includ-
13 ing any inscription on the monument.

14 “(9) An assurance that the treatment of the
15 families of nonrevenue passengers will be the same
16 as the treatment of the families of revenue pas-
17 sengers.

18 “(10) An assurance that the rail passenger car-
19 rier will work with any organization designated
20 under section 1138(a)(2) of this title on an ongoing
21 basis to ensure that families of passengers receive an
22 appropriate level of services and assistance following
23 each accident.

24 “(11) An assurance that the rail passenger car-
25 rier will provide reasonable compensation to any or-

1 organization designated under section 1138(a)(2) of
2 this title for services provided by the organization.

3 “(12) An assurance that the rail passenger car-
4 rier will assist the family of a passenger in traveling
5 to the location of the accident and provide for the
6 physical care of the family while the family is stay-
7 ing at such location.

8 “(13) An assurance that the rail passenger car-
9 rier will commit sufficient resources to carry out the
10 plan.

11 “(14) An assurance that the rail passenger car-
12 rier will provide adequate training to the employees
13 and agents of the carrier to meet the needs of sur-
14 vivors and family members following an accident.

15 “(15) An assurance that, upon request of the
16 family of a passenger, the rail passenger carrier will
17 inform the family of whether the passenger’s name
18 appeared on any preliminary passenger manifest for
19 the train involved in the accident.

20 “(c) LIMITATION ON LIABILITY.—A rail passenger
21 carrier shall not be liable for damages in any action
22 brought in a Federal or State court arising out of the per-
23 formance of the rail passenger carrier in preparing or pro-
24 viding a passenger list, or in providing information con-
25 cerning a train reservation, pursuant to a plan submitted

1 by the rail passenger carrier under subsection (b), unless
2 such liability was caused by conduct of the rail passenger
3 carrier which was grossly negligent or which constituted
4 intentional misconduct.

5 “(d) DEFINITIONS.—In this section—

6 “(1) the terms ‘rail passenger accident’ and
7 ‘rail passenger carrier’ have the meanings such
8 terms have in section 1138 of this title; and

9 “(2) the term ‘passenger’ means a person
10 aboard a rail passenger carrier’s train that is in-
11 volved in a rail passenger accident.

12 “(e) LIMITATION ON STATUTORY CONSTRUCTION.—
13 Nothing in this section may be construed as limiting the
14 actions that a rail passenger carrier may take, or the obli-
15 gations that a rail passenger carrier may have, in pro-
16 viding assistance to the families of passengers involved in
17 a rail passenger accident.”.

18 (b) CONFORMING AMENDMENT.—The table of chap-
19 ters for subtitle V of title 49, United States Code, is

1 amended by adding after the item relating to chapter 249

2 the following new item:

“251. FAMILY ASSISTANCE 25101”.

Passed the House of Representatives June 4, 2002.

Attest:

Clerk.