

# Union Calendar No. 208

110TH CONGRESS  
1ST SESSION

# H. R. 2095

[Report No. 110-336]

To amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 1, 2007

Mr. OBERSTAR (for himself and Ms. CORRINE BROWN of Florida) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

SEPTEMBER 19, 2007

Additional sponsors: Mr. YOUNG of Alaska, Mr. ABERCROMBIE, Mr. NADLER, Mr. CARNEY, Mr. JACKSON of Illinois, Mr. GRIJALVA, Mr. DOYLE, Mr. FILNER, Mr. PALLONE, Mr. PAYNE, Mr. ANDREWS, Mr. HIGGINS, Mr. CAPUANO, Mr. RAHALL, Mrs. NAPOLITANO, Ms. HIRONO, Mr. DELAHUNT, Mr. BISHOP of New York, Mr. LIPINSKI, Ms. LINDA T. SÁNCHEZ of California, Mr. HASTINGS of Florida, Mr. ALLEN, Mr. SIRES, Mr. GONZALEZ, Mr. PATRICK MURPHY of Pennsylvania, Mr. REYES, Mr. SPACE, Ms. MATSUI, Mr. BOSWELL, Mr. HOLDEN, Mr. MORAN of Virginia, Mr. ARCURI, Mr. LOBIONDO, Mr. LOEBSACK, Mr. LATOURETTE, Mr. TOWNS, Mr. ROTHMAN, Mr. MILLER of North Carolina, Ms. HERSETH SANDLIN, Mr. BAIRD, Mr. CUMMINGS, Mr. PASCRELL, Mr. PETERSON of Minnesota, Mr. SMITH of New Jersey, Mr. HINOJOSA, Mr. MCGOVERN, Mr. LYNCH, Mr. HOLT, Ms. KAPTUR, Mr. MOLLOHAN, Mr. BRALEY of Iowa, Ms. HOOLEY, Mr. WU, Mr. OBEY, Mr. KUCINICH, Mr. WEXLER, Ms. MOORE of Wisconsin, Mr. GEORGE MILLER of California, Mr. YARMUTH, Mr. CARDOZA, Mr. MICA, Mr. SHUSTER, Mr. PERLMUTTER, Mr. BISHOP of Georgia, Ms. BALDWIN, Mr. STARK, Mr. COSTELLO, Ms. SCHAKOWSKY, Mr. COSTA, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mrs. CAPITO, Mr. PETRI, Mr. HARE, Mr. PLATTS, Mr. FARR, Mr. ELLISON, Ms. WOOLSEY, Mr. COHEN, Ms. KILPATRICK, Mr. SERRANO, Ms. MCCOLLUM of Minnesota, Mr. BRADY of Pennsylvania, Mr. AL GREEN of Texas, Mr. WALZ of Minnesota, Ms.

CARSON, Ms. JACKSON-LEE of Texas, Mr. CLEAVER, Mr. WATT, Ms. LORETTA SANCHEZ of California, Mr. VAN HOLLEN, Mr. BOREN, and Mr. SCOTT of Virginia

SEPTEMBER 19, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 1, 2007]

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## A BILL

To amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, 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; TABLE OF CONTENTS.**

4        (a) *SHORT TITLE.*—*This Act may be cited as the*  
 5 *“Federal Railroad Safety Improvement Act of 2007”.*

6        (b) *TABLE OF CONTENTS.*—*The table of contents for*  
 7 *this Act is as follows:*

*Sec. 1. Short title; table of contents.*

*Sec. 2. Definitions.*

### *TITLE I—FEDERAL RAILROAD SAFETY ADMINISTRATION*

*Sec. 101. Establishment of Federal Railroad Safety Administration.*

*Sec. 102. Railroad safety strategy.*

*Sec. 103. Reports.*

*Sec. 104. Rulemaking process.*

*Sec. 105. Authorization of appropriations.*

### *TITLE II—EMPLOYEE FATIGUE*

*Sec. 201. Hours of service reform.*

*Sec. 202. Employee sleeping quarters.*

*Sec. 203. Fatigue management plans.*

- Sec. 204. Regulatory authority.*  
*Sec. 205. Conforming amendment.*

*TITLE III—PROTECTION OF EMPLOYEES AND WITNESSES*

- Sec. 301. Employee protections.*

*TITLE IV—GRADE CROSSINGS*

- Sec. 401. Toll-free number to report grade crossing problems.*  
*Sec. 402. Roadway user sight distance at highway-rail grade crossings.*  
*Sec. 403. Grade crossing signal violations.*  
*Sec. 404. National crossing inventory.*  
*Sec. 405. Accident and incident reporting.*  
*Sec. 406. Authority to buy promotional items to improve railroad crossing safety and prevent railroad trespass.*  
*Sec. 407. Operation Lifesaver.*  
*Sec. 408. State action plan.*  
*Sec. 409. Fostering introduction of new technology to improve safety at highway-rail grade crossings.*

*TITLE V—ENFORCEMENT*

- Sec. 501. Enforcement.*  
*Sec. 502. Civil penalties.*  
*Sec. 503. Criminal penalties.*  
*Sec. 504. Expansion of emergency order authority.*  
*Sec. 505. Enforcement transparency.*  
*Sec. 506. Interfering with or hampering safety investigations.*  
*Sec. 507. Railroad radio monitoring authority.*  
*Sec. 508. Inspector staffing.*

*TITLE VI—MISCELLANEOUS PROVISIONS*

- Sec. 601. Positive train control systems.*  
*Sec. 602. Warning in nonsignaled territory.*  
*Sec. 603. Track safety.*  
*Sec. 604. Certification of conductors.*  
*Sec. 605. Minimum training standards.*  
*Sec. 606. Prompt medical attention.*  
*Sec. 607. Emergency escape breathing apparatus.*  
*Sec. 608. Locomotive cab environment.*  
*Sec. 609. Tunnel information.*  
*Sec. 610. Railroad police.*  
*Sec. 611. Museum locomotive study.*  
*Sec. 612. Certification of carmen.*  
*Sec. 613. Train control systems deployment grants.*  
*Sec. 614. Infrastructure safety investment reports.*  
*Sec. 615. Emergency grade crossing safety improvements.*  
*Sec. 616. Clarifications regarding State law causes of action.*

*TITLE VII—RAIL PASSENGER DISASTER FAMILY ASSISTANCE*

- Sec. 701. Short title.*  
*Sec. 702. Assistance by National Transportation Safety Board to families of passengers involved in rail passenger accidents.*

*Sec. 703. Rail passenger carrier plans to address needs of families of passengers involved in rail passenger accidents.*

*Sec. 704. Establishment of task force.*

1 **SEC. 2. DEFINITIONS.**

2 *For purposes of this Act, the terms “railroad” and*  
 3 *“railroad carrier” have the meaning given those terms in*  
 4 *section 20102 of title 49, United States Code.*

5 **TITLE I—FEDERAL RAILROAD**  
 6 **SAFETY ADMINISTRATION**

7 **SEC. 101. ESTABLISHMENT OF FEDERAL RAILROAD SAFETY**  
 8 **ADMINISTRATION.**

9 *(a) AMENDMENT.—Section 103 of title 49, United*  
 10 *States Code, is amended to read as follows:*

11 **“§ 103. Federal Railroad Safety Administration**

12 *“(a) IN GENERAL.—The Federal Railroad Safety Ad-*  
 13 *ministration (in this section referred to as the ‘Administra-*  
 14 *tion’) shall be an administration in the Department of*  
 15 *Transportation. To carry out all railroad safety laws of the*  
 16 *United States, the Administration shall be divided on a geo-*  
 17 *graphical basis into at least 8 safety offices. The Secretary*  
 18 *of Transportation shall be responsible for enforcing those*  
 19 *laws and for ensuring that those laws are uniformly admin-*  
 20 *istered and enforced among the safety offices.*

21 *“(b) SAFETY AS HIGHEST PRIORITY.—In carrying out*  
 22 *its duties, the Administration shall consider the assignment*  
 23 *and maintenance of safety as the highest priority, recog-*  
 24 *nizing the clear intent, encouragement, and dedication of*

1 *Congress to the furtherance of the highest degree of safety*  
2 *in railroad transportation.*

3       “(c) *ADMINISTRATOR.*—*The head of the Administra-*  
4 *tion shall be the Administrator who shall be appointed by*  
5 *the President, by and with the advice and consent of the*  
6 *Senate, and shall be an individual with professional experi-*  
7 *ence in railroad safety, hazardous materials safety, or other*  
8 *transportation safety. The Administrator shall report di-*  
9 *rectly to the Secretary of Transportation.*

10       “(d) *DEPUTY ADMINISTRATOR.*—*The Administration*  
11 *shall have a Deputy Administrator who shall be appointed*  
12 *by the Secretary. The Deputy Administrator shall carry out*  
13 *duties and powers prescribed by the Administrator.*

14       “(e) *CHIEF SAFETY OFFICER.*—*The Administration*  
15 *shall have an Associate Administrator for Railroad Safety*  
16 *appointed in the competitive service by the Secretary. The*  
17 *Associate Administrator shall be the Chief Safety Officer*  
18 *of the Administration. The Associate Administrator shall*  
19 *carry out the duties and powers prescribed by the Adminis-*  
20 *trator.*

21       “(f) *DUTIES AND POWERS OF THE ADMINISTRATOR.*—  
22 *The Administrator shall carry out—*

23               “(1) *duties and powers related to railroad safety*  
24 *vested in the Secretary by section 20134(c) and chap-*  
25 *ters 203 through 211 of this title, and by chapter 213*

1       *of this title for carrying out chapters 203 through*  
2       *211; and*

3             “(2) *other duties and powers prescribed by the*  
4       *Secretary.*

5       “(g) *LIMITATION.*—*A duty or power specified in sub-*  
6       *section (f)(1) may be transferred to another part of the De-*  
7       *partment of Transportation or another Federal Government*  
8       *entity only when specifically provided by law. A decision*  
9       *of the Administrator in carrying out the duties or powers*  
10       *of the Administration and involving notice and hearing re-*  
11       *quired by law is administratively final.*

12       “(h) *AUTHORITIES.*—*Subject to the provisions of sub-*  
13       *title I of title 40 and title III of the Federal Property and*  
14       *Administrative Services Act of 1949 (41 U.S.C. 251 et seq.),*  
15       *the Secretary of Transportation may make, enter into, and*  
16       *perform such contracts, grants, leases, cooperative agree-*  
17       *ments, and other similar transactions with Federal or other*  
18       *public agencies (including State and local governments)*  
19       *and private organizations and persons, and make such pay-*  
20       *ments, by way of advance or reimbursement, as the Sec-*  
21       *retary may determine to be necessary or appropriate to*  
22       *carry out functions at the Administration. The authority*  
23       *of the Secretary granted by this subsection shall be carried*  
24       *out by the Administrator. Notwithstanding any other provi-*  
25       *sion of this chapter, no authority to enter into contracts*

1 *or to make payments under this subsection shall be effective,*  
2 *except as provided for in appropriations Acts.”.*

3 (b) *REFERENCES AND CONFORMING AMENDMENTS.—*

4 (1) *All references in Federal law to the Federal Railroad*  
5 *Administration shall be deemed to be references to the Fed-*  
6 *eral Railroad Safety Administration.*

7 (2) *The item relating to section 103 in the table of*  
8 *sections of chapter 1 of title 49, United States Code, is*  
9 *amended to read as follows:*

*“103. Federal Railroad Safety Administration.”.*

10 **SEC. 102. RAILROAD SAFETY STRATEGY.**

11 (a) *SAFETY GOALS.—In conjunction with existing fed-*  
12 *erally required strategic planning efforts, the Secretary of*  
13 *Transportation shall develop a long-term strategy for im-*  
14 *proving railroad safety. The strategy shall include an an-*  
15 *nual plan and schedule for achieving, at a minimum, the*  
16 *following goals:*

17 (1) *Reducing the number and rates of accidents,*  
18 *injuries, and fatalities involving railroads.*

19 (2) *Improving the consistency and effectiveness of*  
20 *enforcement and compliance programs.*

21 (3) *Identifying and targeting enforcement at,*  
22 *and safety improvements to, high-risk highway-rail*  
23 *grade crossings.*

24 (4) *Improving research efforts to enhance and*  
25 *promote railroad safety and performance.*

1       (b) *RESOURCE NEEDS.*—*The strategy and annual*  
2 *plans shall include estimates of the funds and staff resources*  
3 *needed to accomplish each activity. Such estimates shall*  
4 *also include the staff skills and training needed for timely*  
5 *and effective accomplishment of each goal.*

6       (c) *SUBMISSION WITH THE PRESIDENT’S BUDGET.*—  
7 *The Secretary of Transportation shall submit to the Com-*  
8 *mittee on Transportation and Infrastructure of the House*  
9 *of Representatives and the Committee on Commerce,*  
10 *Science, and Transportation of the Senate the strategy and*  
11 *annual plan at the same time as the President’s budget sub-*  
12 *mission.*

13       (d) *ACHIEVEMENT OF GOALS.*—

14             (1) *PROGRESS ASSESSMENT.*—*No less frequently*  
15 *than semiannually, the Secretary of Transportation*  
16 *and the Administrator of the Federal Railroad Safety*  
17 *Administration shall assess the progress of the Ad-*  
18 *ministration toward achieving the strategic goals de-*  
19 *scribed in subsection (a). The Secretary and the Ad-*  
20 *ministrator shall convey their assessment to the em-*  
21 *ployees of the Federal Railroad Safety Administra-*  
22 *tion and shall identify any deficiencies that should be*  
23 *remediated before the next progress assessment.*

24             (2) *REPORT TO CONGRESS.*—*The Secretary shall*  
25 *transmit a report annually to the Committee on*



1        *Transportation and Infrastructure of the House of*  
2        *Representatives and the Committee on Commerce,*  
3        *Science, and Transportation of the Senate on the per-*  
4        *formance of the Federal Railroad Safety Administra-*  
5        *tion relative to the goals of the railroad safety strat-*  
6        *egy and annual plans under subsection (a).*

7        **SEC. 103. REPORTS.**

8        *(a) REPORTS BY THE INSPECTOR GENERAL.—Not*  
9        *later than 30 days after the date of enactment of this Act,*  
10       *the Inspector General of the Department of Transportation*  
11       *shall submit to the Secretary of Transportation and the Ad-*  
12       *ministrator of the Federal Railroad Safety Administration*  
13       *a report containing the following:*

14                *(1) A list of each statutory mandate regarding*  
15        *railroad safety that has not been implemented.*

16                *(2) A list of each open safety recommendation*  
17        *made by the National Transportation Safety Board*  
18        *or the Inspector General regarding railroad safety.*

19        *(b) REPORTS BY THE SECRETARY.—*

20                *(1) STATUTORY MANDATES.—Not later than 90*  
21        *days after the date of enactment of this Act, and every*  
22        *180 days thereafter until each of the mandates re-*  
23        *ferred to in subsection (a)(1) has been implemented,*  
24        *the Secretary of Transportation shall transmit to the*  
25        *Committee on Transportation and Infrastructure of*

1 *the House of Representatives and the Committee on*  
2 *Commerce, Science, and Transportation of the Senate*  
3 *a report on the specific actions taken to implement*  
4 *such mandates.*

5 (2) *NTSB AND INSPECTOR GENERAL REC-*  
6 *COMMENDATIONS.—Not later than January 1st of each*  
7 *year, the Secretary of Transportation shall transmit*  
8 *to the Committee on Transportation and Infrastruc-*  
9 *ture of the House of Representatives and the Com-*  
10 *mittee on Commerce, Science, and Transportation of*  
11 *the Senate a report containing each recommendation*  
12 *referred to in subsection (a)(2), a copy of the Depart-*  
13 *ment of Transportation response to each such rec-*  
14 *ommendation, and a progress report on implementing*  
15 *each such recommendation.*

16 **SEC. 104. RULEMAKING PROCESS.**

17 (a) *AMENDMENT.—Subchapter I of chapter 201 of title*  
18 *49, United States Code, is amended by inserting after sec-*  
19 *tion 20115 the following new section:*

20 **“§ 20116. Rulemaking process**

21 *“No rule or order issued by the Secretary under this*  
22 *part shall be effective if it incorporates by reference a code,*  
23 *rule, standard, requirement, or practice issued by an asso-*  
24 *ciation or other entity that is not an agency of the Federal*  
25 *Government, unless that reference is to a particular code,*

1 *rule, standard, requirement, or practice adopted before the*  
 2 *date on which the rule is issued by the Secretary, and unless*  
 3 *the date on which the code, rule, standard, requirement, or*  
 4 *practice was adopted is specifically cited in the rule.”.*

5 (b) *TABLE OF SECTIONS AMENDMENT.—The table of*  
 6 *sections of subchapter I of chapter 201 of title 49, United*  
 7 *States Code, is amended by adding after the item relating*  
 8 *to section 20115 the following new item:*

*“20116. Rulemaking process.”.*

9 **SEC. 105. AUTHORIZATION OF APPROPRIATIONS.**

10 *Section 20117(a) of title 49, United States Code, is*  
 11 *amended to read as follows:*

12 *“(a) IN GENERAL.—(1) There are authorized to be ap-*  
 13 *propriated to the Secretary of Transportation to carry out*  
 14 *this part and to carry out responsibilities under chapter*  
 15 *51 as delegated or authorized by the Secretary—*

16 *“(A) \$230,000,000 for fiscal year 2008;*

17 *“(B) \$260,000,000 for fiscal year 2009;*

18 *“(C) \$295,000,000 for fiscal year 2010; and*

19 *“(D) \$335,000,000 for fiscal year 2011.*

20 *“(2) With amounts appropriated pursuant to para-*  
 21 *graph (1), the Secretary shall purchase 6 Gage Restraint*  
 22 *Measurement System vehicles and 5 track geometry vehicles*  
 23 *to enable the deployment of 1 Gage Restraint Measurement*  
 24 *System vehicle and 1 track geometry vehicle in each region.*

1       “(3) *There are authorized to be appropriated to the*  
2 *Secretary \$18,000,000 for the period encompassing fiscal*  
3 *years 2008 through 2011 to design, develop, and construct*  
4 *the Facility for Underground Rail Station and Tunnel at*  
5 *the Transportation Technology Center in Pueblo, Colorado.*  
6 *The facility shall be used to test and evaluate the*  
7 *vulnerabilities of above-ground and underground rail tun-*  
8 *nels to prevent accidents and incidents in such tunnels, to*  
9 *mitigate and remediate the consequences of any such acci-*  
10 *dents or incidents, and to provide a realistic scenario for*  
11 *training emergency responders.*

12       “(4) *Such sums as may be necessary from the amount*  
13 *appropriated pursuant to paragraph (1) for each of the fis-*  
14 *cal years 2008 through 2011 shall be made available to the*  
15 *Secretary for personnel in regional offices and in Wash-*  
16 *ington, D.C., whose duties primarily involve rail security.”.*

## 17       **TITLE II—EMPLOYEE FATIGUE**

### 18       **SEC. 201. HOURS OF SERVICE REFORM.**

19       (a) *DEFINITIONS.*—Section 21101(4) of title 49,  
20 *United States Code, is amended by striking “employed by*  
21 *a railroad carrier”.*

22       (b) *LIMITATION ON DUTY HOURS OF SIGNAL EMPLOY-*  
23 *EES.*—Section 21104 of title 49, *United States Code, is*  
24 *amended—*

1           (1) *by amending subsection (a) to read as fol-*  
2           *lows:*

3           “(a) *GENERAL.—Except as provided in subsection (c)*  
4           *of this section, a railroad carrier and its officers and agents*  
5           *may not require or allow a signal employee, and a railroad*  
6           *contractor and its officers and agents may not require or*  
7           *allow a signal employee, to remain or go on duty—*

8           *“(1) unless that employee has had at least 10*  
9           *consecutive hours off duty during the prior 24 hours;*

10           *“(2) for a period in excess of 12 consecutive*  
11           *hours; or*

12           *“(3) unless that employee has had at least one*  
13           *period of at least 24 consecutive hours off duty in the*  
14           *past 7 consecutive days.*

15           *The Secretary may waive paragraph (3) if a collective bar-*  
16           *gaining agreement provides a different arrangement and*  
17           *such arrangement provides an equivalent level of safety.”;*

18           (2) *in subsection (b)(3) by striking “, except that*  
19           *up to one hour of that time spent returning from the*  
20           *final trouble call of a period of continuous or broken*  
21           *service is time off duty”;*

22           (3) *in subsection (c)—*

23           (A) *by inserting “for not more than 3 days*  
24           *during a period of 7 consecutive days” after “24*  
25           *consecutive hours”; and*

1           (B) by adding at the end the following: “A  
2           signal employee may not be allowed to remain or  
3           go on duty under the emergency authority pro-  
4           vided under this subsection to conduct routine  
5           repairs, routine maintenance, or routine inspec-  
6           tion of signal systems.”;

7           (4) by adding at the end the following new sub-  
8           sections:

9           “(d) *COMMUNICATION DURING TIME OFF DUTY.*—  
10          During a signal employee’s minimum off-duty period of 10  
11          consecutive hours, as provided under subsection (a), a rail-  
12          road carrier, and its managers, supervisors, officers, and  
13          agents, shall not communicate with the signal employee by  
14          telephone, by pager, or in any other manner that could dis-  
15          rupt the employee’s rest. Nothing in this subsection shall  
16          prohibit communication necessary to notify an employee of  
17          an emergency situation posing potential risks to the em-  
18          ployee’s safety or health.

19          “(e) *EXCLUSIVITY.*—The hours of service, duty hours,  
20          and rest periods of signal employees shall be governed exclu-  
21          sively by this chapter. Signal employees operating motor  
22          vehicles shall not be subject to any hours of service rules,  
23          duty hours, or rest period rules promulgated by any Federal  
24          authority, including the Federal Motor Carrier Safety Ad-

1 *ministration, other than the Federal Railroad Safety Ad-*  
2 *ministration.”.*

3 *(c) LIMITATION ON DUTY HOURS OF TRAIN EMPLOY-*  
4 *EES.—Section 21103 of title 49, United States Code, is*  
5 *amended—*

6 *(1) by amending subsection (a) to read as fol-*  
7 *lows:*

8 *“(a) GENERAL.—Except as provided in subsection (c)*  
9 *of this section, a railroad carrier and its officers and agents*  
10 *may not require or allow a train employee to remain or*  
11 *go on duty—*

12 *“(1) unless that employee has had at least 10*  
13 *consecutive hours off duty during the prior 24 hours;*

14 *“(2) for a period in excess of 12 consecutive*  
15 *hours; or*

16 *“(3) unless that employee has had at least one*  
17 *period of at least 24 consecutive hours off duty in the*  
18 *past 7 consecutive days.*

19 *The Secretary may waive paragraph (3) if a collective bar-*  
20 *gaining agreement provides a different arrangement and*  
21 *such arrangement provides an equivalent level of safety.”;*

22 *(2) by amending subsection (b)(4) to read as fol-*  
23 *lows:*

24 *“(4)(A)(i) Except as provided in clauses (ii) and*  
25 *(iii), time spent in deadhead transportation to a duty*

1       *assignment, time spent waiting for deadhead trans-*  
2       *portation, and time spent in deadhead transportation*  
3       *from a duty assignment to a place of final release is*  
4       *time on duty.*

5               “(ii) *Time spent waiting for deadhead transpor-*  
6       *tation and time spent in deadhead transportation*  
7       *from a duty assignment to a place of final release is*  
8       *neither time on duty nor time off duty in situations*  
9       *involving delays in the operations of the railroad car-*  
10       *rier, when the delays were caused by any of the fol-*  
11       *lowing:*

12               “(I) *A casualty.*

13               “(II) *An accident.*

14               “(III) *A track obstruction.*

15               “(IV) *An act of God.*

16               “(V) *A weather event causing a delay.*

17               “(VI) *A snowstorm.*

18               “(VII) *A landslide.*

19               “(VIII) *A track or bridge washout.*

20               “(IX) *A derailment.*

21               “(X) *A major equipment failure which pre-*  
22       *vents a train from advancing.*

23               “(XI) *Other delay from a cause unknown or*  
24       *unforeseeable to a railroad carrier and its offi-*



1           *cers and agents in charge of the employee when*  
2           *the employee left a designated terminal.*

3           “(iii) *In addition to any time qualifying as nei-*  
4           *ther on duty nor off duty under clause (ii), at the*  
5           *election of the railroad carrier, time spent waiting for*  
6           *deadhead transportation and time spent in deadhead*  
7           *transportation to the place of final release may be*  
8           *treated as neither time on duty nor time off duty,*  
9           *subject to the following limitations:*

10           “(I) *Not more than 40 hours a month may*  
11           *be elected by the railroad carrier, for an em-*  
12           *ployee, during the period from the date of enact-*  
13           *ment of the Federal Railroad Safety Improve-*  
14           *ment Act of 2007 to one year after such date of*  
15           *enactment.*

16           “(II) *Not more than 30 hours a month may*  
17           *be elected by the railroad carrier, for an em-*  
18           *ployee, during the period beginning one year*  
19           *after the date of enactment of the Federal Rail-*  
20           *road Safety Improvement Act of 2007 and end-*  
21           *ing two years after such date of enactment.*

22           “(III) *Not more than 10 hours a month*  
23           *may be elected by the railroad carrier, for an*  
24           *employee, during the period beginning two years*

1           *after the date of enactment of the Federal Rail-*  
2           *road Safety Improvement Act of 2007.*

3           “(B) *Each railroad carrier shall report to the*  
4           *Secretary of Transportation, in accordance with pro-*  
5           *cedures contained in 49 CFR 228.19, each instance*  
6           *within 30 days after the calendar month in which the*  
7           *instance occurs that a member of a train or engine*  
8           *crew or other employee engaged in or connected with*  
9           *the movement of any train, including a hostler, ex-*  
10          *ceeds 12 consecutive hours, including—*

11                   “(i) *time on duty; and*

12                   “(ii) *time spent waiting for deadhead trans-*  
13                   *portation and the time spent in deadhead trans-*  
14                   *portation from a duty assignment to the place of*  
15                   *final release, that is not time on duty.*

16          “(C) *If—*

17                   “(i) *the time spent waiting for deadhead*  
18                   *transportation, and the time spent in deadhead*  
19                   *transportation from a duty assignment to the*  
20                   *place of final release, that is not time on duty;*  
21                   *plus*

22                   “(ii) *the time on duty,*  
23                   *exceeds 12 consecutive hours, the railroad carrier and*  
24                   *its officers and agents shall provide the train em-*  
25                   *ployee with additional time off duty equal to the*

1 *number of hours that such sum exceeds 12 hours.”;*

2 *and*

3 *(3) by adding at the end the following new sub-*  
4 *section:*

5 *“(d) COMMUNICATION DURING TIME OFF DUTY.—*  
6 *During a train employee’s minimum off-duty period of 10*  
7 *consecutive hours, as provided under subsection (a), or dur-*  
8 *ing an interim period of at least 4 consecutive hours avail-*  
9 *able for rest under subsection (b)(7), a railroad carrier, and*  
10 *its managers, supervisors, officers, and agents, shall not*  
11 *communicate with the train employee by telephone, by*  
12 *pager, or in any other manner that could disrupt the em-*  
13 *ployee’s rest. Nothing in this subsection shall prohibit com-*  
14 *munication necessary to notify an employee of an emer-*  
15 *gency situation posing potential risks to the employee’s safe-*  
16 *ty or health.”.*

17 **SEC. 202. EMPLOYEE SLEEPING QUARTERS.**

18 *Section 21106 of title 49, United States Code, is*  
19 *amended—*

20 *(1) by inserting “(a) IN GENERAL.—” before “A*  
21 *railroad carrier”;* and

22 *(2) by adding at the end the following new sub-*  
23 *section:*

24 *“(b) CAMP CARS.—Effective 12 months after the date*  
25 *of enactment of this subsection, a railroad carrier and its*

1 *officers and agents may not provide sleeping quarters*  
2 *through the use of camp cars, as defined in Appendix C*  
3 *to part 228 of title 49 of the Code of Federal Regulations,*  
4 *for employees and any individuals employed to maintain*  
5 *the right of way of a railroad carrier.”.*

6 **SEC. 203. FATIGUE MANAGEMENT PLANS.**

7 *(a) AMENDMENT.—Chapter 211 of title 49, United*  
8 *States Code, is amended by adding at the end the following*  
9 *new section:*

10 **“§21109. Fatigue management plans**

11 *“(a) PLAN SUBMISSION.—*

12 *“(1) REQUIREMENT.—Each railroad carrier*  
13 *shall submit to the Secretary of Transportation, and*  
14 *update at least once every 2 years, a fatigue manage-*  
15 *ment plan that is designed to reduce the fatigue expe-*  
16 *rienced by railroad employees and to reduce the likeli-*  
17 *hood of accidents and injuries caused by fatigue. The*  
18 *plan shall address the safety effects of fatigue on all*  
19 *employees performing safety sensitive functions, in-*  
20 *cluding employees not covered by this chapter. The*  
21 *plan shall be submitted not later than 1 year after the*  
22 *date of the enactment of this section, or not later than*  
23 *45 days prior to commencing operations, whichever is*  
24 *later.*

1           “(2) *CONTENTS OF PLAN.*—*The fatigue manage-*  
2           *ment plan shall—*

3                   “(A) *identify and prioritize all situations*  
4                   *that pose a risk for safety that may be affected*  
5                   *by fatigue;*

6                   “(B) *include the railroad carrier’s—*

7                           “(i) *rationale for including and not*  
8                           *including each element described in sub-*  
9                           *section (b)(2) in the plan;*

10                           “(ii) *analysis supporting each element*  
11                           *included in the plan; and*

12                           “(iii) *explanations for how each ele-*  
13                           *ment in the plan will reduce the risk associ-*  
14                           *ated with fatigue;*

15                   “(C) *describe how every condition on the*  
16                   *railroad carrier’s property, and every type of*  
17                   *employee, that is likely to be affected by fatigue*  
18                   *is addressed in the plan; and*

19                   “(D) *include the name, title, address, and*  
20                   *telephone number of the primary person to be*  
21                   *contacted with regard to review of the plan.*

22           “(3) *APPROVAL.*—(A) *The Secretary shall review*  
23           *each proposed plan and approve or disapprove such*  
24           *plan based on whether the requirements of this section*

1       are sufficiently and appropriately addressed and the  
2       proposals are adequately justified in the plan.

3               “(B) If the proposed plan is not approved, the  
4       Secretary shall notify the affected railroad carrier as  
5       to the specific points in which the proposed plan is  
6       deficient, and the railroad carrier shall correct all de-  
7       ficiencies within 30 days following receipt of written  
8       notice from the Secretary. If a railroad carrier does  
9       not submit a plan (or, when directed by the Sec-  
10      retary, an amended plan), or if a railroad carrier’s  
11      amended plan is not approved by the Secretary, the  
12      Secretary shall prescribe a fatigue management plan  
13      for the railroad carrier.

14              “(4) EMPLOYEE PARTICIPATION.—(A) Each af-  
15      fected railroad carrier shall consult with, and employ  
16      good faith and use its best efforts to reach agreement  
17      by consensus with, all of its directly affected employee  
18      groups on the contents of the fatigue management  
19      plan, and, except as provided in subparagraph (C),  
20      shall jointly with such groups submit the plan to the  
21      Secretary.

22              “(B) In the event that labor organizations rep-  
23      resent classes or crafts of directly affected employees  
24      of the railroad carrier, the railroad carrier shall con-  
25      sult with these organizations in drafting the plan.

1       *The Secretary may provide technical assistance and*  
2       *guidance to such parties in the drafting of the plan.*

3           “(C) *If the railroad carrier and its directly af-*  
4       *ected employees (including any labor organization*  
5       *representing a class or craft of directly affected em-*  
6       *ployees of the railroad carrier) cannot reach con-*  
7       *sensus on the proposed contents of the plan, then—*

8           “(i) *the railroad carrier shall file the plan*  
9       *with the Secretary; and*

10          “(ii) *directly affected employees and labor*  
11       *organizations representing a class or craft of di-*  
12       *rectly affected employees may, at their option,*  
13       *file a statement with the Secretary explaining*  
14       *their views on the plan on which consensus was*  
15       *not reached.*

16          “(b) *ELEMENTS OF THE FATIGUE MANAGEMENT*  
17       *PLAN.—*

18           “(1) *CONSIDERATION OF VARYING CIR-*  
19       *CUMSTANCES.—Each plan filed with the Secretary*  
20       *under the procedures of subsection (a) shall take into*  
21       *account the varying circumstances of operations by*  
22       *the railroad carrier on different parts of its system,*  
23       *and shall prescribe appropriate fatigue counter-*  
24       *measures to address those varying circumstances.*

1           “(2) *ISSUES AFFECTING ALL EMPLOYEES PER-*  
2           *FORMING SAFETY SENSITIVE FUNCTIONS.—The rail-*  
3           *road carrier shall consider the need to include in its*  
4           *fatigue management plan elements addressing each of*  
5           *the following issues:*

6                     “(A) *Education and training on the physio-*  
7                     *logical and human factors that affect fatigue, as*  
8                     *well as strategies to counter fatigue, based on*  
9                     *current and evolving scientific and medical re-*  
10                    *search and literature.*

11                   “(B) *Opportunities for identification, diag-*  
12                    *nosis, and treatment of any medical condition*  
13                    *that may affect alertness or fatigue, including*  
14                    *sleep disorders.*

15                   “(C) *Effects on employee fatigue of emer-*  
16                    *gency response involving both short-term emer-*  
17                    *gency situations, including derailments, and*  
18                    *long-term emergency situations, including nat-*  
19                    *ural disasters.*

20                   “(D) *Scheduling practices involving train*  
21                    *lineups and calling times, including work/rest*  
22                    *cycles for shift workers and on-call employees*  
23                    *that permit employees to compensate for cumu-*  
24                    *lative sleep loss by guaranteeing a minimum*



1           *number of consecutive days off (exclusive of time*  
2           *off due to illness or injury).*

3           “(E) *Minimizing the incidence of fatigue*  
4           *that occurs as a result of working at times when*  
5           *the natural circadian rhythm increases fatigue.*

6           “(F) *Alertness strategies, such as policies on*  
7           *napping, to address acute sleepiness and fatigue*  
8           *while an employee is on duty.*

9           “(G) *Opportunities to obtain restful sleep at*  
10          *lodging facilities, including sleeping quarters*  
11          *provided by the railroad carrier.*

12          “(H) *In connection with the scheduling of a*  
13          *duty call, increasing the number of consecutive*  
14          *hours of rest off duty, during which an employee*  
15          *receives no communication from the employing*  
16          *railroad carrier or its managers, supervisors, of-*  
17          *ficers, or agents.*

18          “(I) *Avoiding abrupt changes in rest cycles*  
19          *for employees returning to duty after an ex-*  
20          *tended absence due to circumstances such as ill-*  
21          *ness or injury.*

22          “(J) *Additional elements as the Secretary*  
23          *considers appropriate.*

24          “(c) *COMPLIANCE AND ENFORCEMENT.—*

1           “(1) *COMPLIANCE REQUIREMENT.*—*Effective*  
2           *upon approval or prescription of a fatigue manage-*  
3           *ment plan, compliance with that fatigue management*  
4           *plan becomes mandatory and enforceable by the Sec-*  
5           *retary.*

6           “(2) *EFFECTIVE DATE.*—*A fatigue management*  
7           *plan may include effective dates later than the date*  
8           *of approval of the plan, and may include different ef-*  
9           *fective dates for different parts of the plan.*

10           “(3) *AUDITS.*—*To enforce this section, the Sec-*  
11           *retary may conduct inspections and periodic audits*  
12           *of a railroad carrier’s compliance with its fatigue*  
13           *management plan.*

14           “(d) *DEFINITION.*—*For purposes of this section the*  
15           *term ‘directly affected employees’ means employees, includ-*  
16           *ing employees of an independent contractor or subcon-*  
17           *tractor, to whose hours of service the terms of a fatigue man-*  
18           *agement plan specifically apply.”.*

19           “(b) *TABLE OF SECTIONS AMENDMENT.*—*The table of*  
20           *sections for chapter 211 of title 49, United States Code, is*  
21           *amended by adding at the end the following new item:*

          “21109. *Fatigue management plans.*”.

22           **SEC. 204. REGULATORY AUTHORITY.**

23           “(a) *AMENDMENT.*—*Chapter 211 of title 49, United*  
24           *States Code, as amended by this Act, is further amended*  
25           *by adding at the end the following new section:*

1 **“§21110. Regulatory authority**

2       *“The Secretary of Transportation may by regula-*  
3 *tion—*

4           *“(1) reduce the maximum hours an employee*  
5 *may be required or allowed to go or remain on duty*  
6 *to a level less than the level established under this*  
7 *chapter, based on scientific and medical research; or*

8           *“(2) increase the minimum hours an employee*  
9 *may be required or allowed to rest to a level greater*  
10 *than the level established under this chapter, based on*  
11 *scientific and medical research.”.*

12       **(b) TABLE OF SECTIONS AMENDMENT.**—*The table of*  
13 *sections for chapter 211 of title 49, United States Code, is*  
14 *amended by adding at the end the following new item:*

*“21110. Regulatory authority.”.*

15 **SEC. 205. CONFORMING AMENDMENT.**

16       *Section 21303(c) of title 49, United States Code, is*  
17 *amended by striking “officers and agents” and inserting*  
18 *“managers, supervisors, officers, and agents”.*

19       **TITLE III—PROTECTION OF**  
20 **EMPLOYEES AND WITNESSES**

21 **SEC. 301. EMPLOYEE PROTECTIONS.**

22       *Section 20109 of title 49, United States Code, is*  
23 *amended to read as follows:*

1 **“§ 20109. Employee protections**

2       “(a) *PROTECTED ACTIONS.*—A railroad carrier en-  
3 gaged in interstate or foreign commerce, and an officer or  
4 employee of such a railroad carrier, shall not by threat, in-  
5 timidation, or otherwise attempt to prevent an employee  
6 from, or discharge, discipline, or in any way discriminate  
7 against an employee for—

8               “(1) *filing a complaint or bringing or causing to*  
9 *be brought a proceeding related to the enforcement of*  
10 *this part or, as applicable to railroad safety, chapter*  
11 *51 or 57 of this title;*

12               “(2) *testifying in a proceeding described in*  
13 *paragraph (1);*

14               “(3) *notifying, or attempting to notify, the rail-*  
15 *road carrier or the Secretary of Transportation of a*  
16 *work-related personal injury or work-related illness of*  
17 *an employee;*

18               “(4) *cooperating with a safety investigation by*  
19 *the Secretary of Transportation or the National*  
20 *Transportation Safety Board;*

21               “(5) *furnishing information to the Secretary of*  
22 *Transportation, the National Transportation Safety*  
23 *Board, or any other public official as to the facts re-*  
24 *lating to any accident or incident resulting in injury*  
25 *or death to an individual or damage to property oc-*

1 *curing in connection with railroad transportation;*  
2 *or*

3 *“(6) accurately reporting hours of duty pursuant*  
4 *to chapter 211.*

5 *“(b) HAZARDOUS CONDITIONS.—(1) A railroad car-*  
6 *rier engaged in interstate or foreign commerce, and an offi-*  
7 *cer or employee of such a railroad carrier, shall not by*  
8 *threat, intimidation, or otherwise attempt to prevent an*  
9 *employee from, or discharge, discipline, or in any way dis-*  
10 *criminate against an employee for—*

11 *“(A) reporting a hazardous condition;*

12 *“(B) refusing to work when confronted by a haz-*  
13 *ardous condition related to the performance of the em-*  
14 *ployee’s duties, if the conditions described in para-*  
15 *graph (2) exist; or*

16 *“(C) refusing to authorize the use of any safety-*  
17 *related equipment, track, or structures, if the em-*  
18 *ployee is responsible for the inspection or repair of the*  
19 *equipment, track, or structures, when the employee be-*  
20 *lieves that the equipment, track, or structures are in*  
21 *a hazardous condition, if the conditions described in*  
22 *paragraph (2) exist.*

23 *“(2) A refusal is protected under paragraph (1)(B)*  
24 *and (C) if—*

1           “(A) *the refusal is made in good faith and no*  
2           *reasonable alternative to the refusal is available to the*  
3           *employee;*

4           “(B) *the employee reasonably concludes that—*

5                   “(i) *the hazardous condition presents an*  
6                   *imminent danger of death or serious injury; and*

7                   “(ii) *the urgency of the situation does not*  
8                   *allow sufficient time to eliminate the danger*  
9                   *without such refusal; and*

10           “(C) *the employee, where possible, has notified*  
11           *the carrier of the existence of the hazardous condition*  
12           *and the intention not to perform further work, or not*  
13           *to authorize the use of the hazardous equipment,*  
14           *track, or structures, unless the condition is corrected*  
15           *immediately or the equipment, track, or structures*  
16           *are repaired properly or replaced.*

17           “(3) *This subsection does not apply to security per-*  
18           *sonnel employed by a railroad carrier to protect individuals*  
19           *and property transported by railroad.*

20           “(c) *ENFORCEMENT ACTION.—*

21                   “(1) *IN GENERAL.—An employee who alleges dis-*  
22                   *charge or other discrimination by any person in vio-*  
23                   *lation of subsection (a) may seek relief in accordance*  
24                   *with the provisions of this section, with any petition*  
25                   *or other request for relief under this section to be ini-*

1 *tiated by filing a complaint with the Secretary of*  
2 *Labor.*

3 *“(2) PROCEDURE.—*

4 *“(A) IN GENERAL.—An action under this*  
5 *section shall be governed under the rules and*  
6 *procedures set forth in section 42121(b).*

7 *“(B) EXCEPTION.—Notification made under*  
8 *section 42121(b)(1) shall be made to the person*  
9 *named in the complaint and to the person’s em-*  
10 *ployer.*

11 *“(C) BURDENS OF PROOF.—An action*  
12 *brought under this section shall be governed by*  
13 *the legal burdens of proof set forth in section*  
14 *42121(b).*

15 *“(D) STATUTE OF LIMITATIONS.—An action*  
16 *under this section shall be commenced not later*  
17 *than 1 year after the date on which the violation*  
18 *occurs.*

19 *“(3) DE NOVO REVIEW.—If the Secretary of*  
20 *Labor has not issued a final decision within 180 days*  
21 *after the filing of the complaint (or, in the event that*  
22 *a final order or decision is issued by the Secretary of*  
23 *Labor, whether within the 180-day period or there-*  
24 *after, then, not later than 90 days after such an order*  
25 *or decision is issued), the employee may bring an*

1       *original action at law or equity for de novo review*  
2       *in the appropriate district court of the United States,*  
3       *which shall have jurisdiction over such an action*  
4       *without regard to the amount in controversy, and*  
5       *which action shall, at the request of either party to*  
6       *such action, be tried by the court with a jury.*

7       “(d) *REMEDIES.*—

8               “(1) *IN GENERAL.*—*An employee prevailing in*  
9       *any action under this section shall be entitled to all*  
10       *relief necessary to make the covered individual whole.*

11               “(2) *DAMAGES.*—*Relief in an action under this*  
12       *section shall include—*

13                       “(A) *reinstatement with the same seniority*  
14       *status that the covered individual would have*  
15       *had, but for the discrimination;*

16                       “(B) *the amount of any back pay, with in-*  
17       *terest; and*

18                       “(C) *compensation for any special damages*  
19       *sustained as a result of the discrimination, in-*  
20       *cluding litigation costs, expert witness fees, and*  
21       *reasonable attorney fees.*

22               “(3) *POSSIBLE RELIEF.*—*Relief may also include*  
23       *punitive damages in an amount not to exceed 10*  
24       *times the amount of any compensatory damages*  
25       *awarded under this section.*



1       “(e) *CRIMINAL PENALTIES.*—

2               “(1) *IN GENERAL.*—*It shall be unlawful for any*  
3 *railroad carrier to commit an act prohibited by sub-*  
4 *section (a). Any person who willfully violates this sec-*  
5 *tion by terminating or retaliating against any such*  
6 *covered individual who makes a claim under this sec-*  
7 *tion shall be fined under title 18, United States Code,*  
8 *imprisoned not more than 1 year, or both.*

9               “(2) *REPORTING REQUIREMENT.*—

10               “(A) *IN GENERAL.*—*The Attorney General*  
11 *shall submit to the Committee on Transportation*  
12 *and Infrastructure of the House of Representa-*  
13 *tives and the Committee on Commerce, Science,*  
14 *and Transportation of the Senate an annual re-*  
15 *port on the enforcement of paragraph (1).*

16               “(B) *CONTENTS.*—*Each such report shall—*

17                       “(i) *identify each case in which formal*  
18 *charges under paragraph (1) were brought;*

19                       “(ii) *describe the status or disposition*  
20 *of each such case; and*

21                       “(iii) *in any actions under subsection*  
22 *(c)(1) in which the employee was the pre-*  
23 *vailing party or the substantially pre-*  
24 *vailing party, indicate whether or not any*  
25 *formal charges under paragraph (1) of this*

1                    *subsection have been brought and, if not, the*  
 2                    *reasons therefor.*

3            “(f) *NO PREEMPTION.—Nothing in this section pre-*  
 4 *empts or diminishes any other safeguards against discrimi-*  
 5 *nation, demotion, discharge, suspension, threats, harass-*  
 6 *ment, reprimand, retaliation, or any other manner of dis-*  
 7 *crimination provided by Federal or State law.*

8            “(g) *RIGHTS RETAINED BY COVERED INDIVIDUAL.—*  
 9 *Nothing in this section shall be deemed to diminish the*  
 10 *rights, privileges, or remedies of any covered individual*  
 11 *under any Federal or State law or under any collective bar-*  
 12 *gaining agreement. The rights and remedies in this section*  
 13 *may not be waived by any agreement, policy, form, or con-*  
 14 *dition of employment.”.*

## 15            **TITLE IV—GRADE CROSSINGS**

### 16            **SEC. 401. TOLL-FREE NUMBER TO REPORT GRADE CROSS-** 17                    **ING PROBLEMS.**

18            *Section 20152 of title 49, United States Code, is*  
 19 *amended to read as follows:*

#### 20            **“§20152. Emergency notification of grade crossing** 21                    **problems**

22            *“Not later than 18 months after the date of enactment*  
 23 *of the Federal Railroad Safety Improvement Act of 2007,*  
 24 *the Secretary of Transportation shall require each railroad*  
 25 *carrier to—*

1           “(1) establish and maintain a toll-free telephone  
2 service, for rights-of-way over which it dispatches  
3 trains, to directly receive calls reporting—

4           “(A) malfunctions of signals, crossing gates,  
5 and other devices to promote safety at the grade  
6 crossing of railroad tracks on those rights-of-way  
7 and public or private roads; and

8           “(B) disabled vehicles blocking railroad  
9 tracks at such grade crossings;

10          “(2) upon receiving a report of a malfunction or  
11 disabled vehicle pursuant to paragraph (1), imme-  
12 diately contact trains operating near the grade cross-  
13 ing to warn them of the malfunction or disabled vehi-  
14 cle;

15          “(3) upon receiving a report of a malfunction or  
16 disabled vehicle pursuant to paragraph (1), and after  
17 contacting trains pursuant to paragraph (2), contact,  
18 as necessary, appropriate public safety officials hav-  
19 ing jurisdiction over the grade crossing to provide  
20 them with the information necessary for them to di-  
21 rect traffic, assist in the removal of the disabled vehi-  
22 cle, or carry out other activities appropriate to re-  
23 sponding to the hazardous circumstance; and

1           “(4) ensure the placement at each grade crossing  
2           on rights-of-way that it owns of appropriately located  
3           signs, on which shall appear, at a minimum—

4                   “(A) a toll-free telephone number to be used  
5                   for placing calls described in paragraph (1) to  
6                   the railroad carrier dispatching trains on that  
7                   right-of-way;

8                   “(B) an explanation of the purpose of that  
9                   toll-free number as described in paragraph (1);  
10                  and

11                  “(C) the grade crossing number assigned for  
12                  that crossing by the National Highway-Rail  
13                  Crossing Inventory established by the Depart-  
14                  ment of Transportation.

15   *The Secretary of Transportation shall implement this sec-*  
16   *tion through appropriate regulations.”.*

17   **SEC. 402. ROADWAY USER SIGHT DISTANCE AT HIGHWAY-**  
18                   **RAIL GRADE CROSSINGS.**

19           (a) *IN GENERAL.*—Subchapter II of chapter 201 of  
20   *title 49, United States Code, is amended by adding at the*  
21   *end the following new section:*

22   **“§ 20156. Roadway user sight distance at highway-rail**  
23                   **grade crossings**

24           “(a) *IN GENERAL.*—Not later than 18 months after the  
25   *date of enactment of the Federal Railroad Safety Improve-*

1 *ment Act of 2007, the Secretary of Transportation shall pre-*  
2 *scribe regulations that require each railroad carrier to re-*  
3 *move from its rights-of-way at all public highway-rail*  
4 *grade crossings, and at all private highway-rail grade*  
5 *crossings open to unrestricted public access (as declared in*  
6 *writing by the holder of the crossing right), grass, brush,*  
7 *shrubbery, trees, and other vegetation which may obstruct*  
8 *the view of a pedestrian or a vehicle operator for a reason-*  
9 *able distance in either direction of the train’s approach,*  
10 *and to maintain its rights-of-way at all such crossings free*  
11 *of such vegetation. In prescribing the regulations, the Sec-*  
12 *retary shall take into consideration to the extent prac-*  
13 *ticable—*

14           *“(1) the type of warning device or warning de-*  
15           *vices installed at the crossing;*

16           *“(2) factors affecting the timeliness and effective-*  
17           *ness of roadway user decisionmaking, including the*  
18           *maximum allowable roadway speed, maximum au-*  
19           *thorized train speed, angle of intersection, and topog-*  
20           *raphy;*

21           *“(3) the presence or absence of other sight dis-*  
22           *tance obstructions off the railroad right-of-way; and*

23           *“(4) any other factors affecting safety at such*  
24           *crossings.*

1           “(b) *PROTECTED VEGETATION.*—*In promulgating reg-*  
2 *ulations pursuant to this section, the Secretary may make*  
3 *allowance for preservation of trees and other ornamental*  
4 *or protective growth where State or local law or policy*  
5 *would otherwise protect the vegetation from removal and*  
6 *where the roadway authority or private crossing holder is*  
7 *notified of the sight distance obstruction and, within a rea-*  
8 *sonable period specified by the regulation, takes appropriate*  
9 *temporary and permanent action to abate the hazard to*  
10 *roadway users (such as by closing the crossing, posting sup-*  
11 *plementary signage, installing active warning devices, low-*  
12 *ering roadway speed, or installing traffic calming devices).*

13           “(c) *NO PREEMPTION.*—*Notwithstanding section*  
14 *20106, subsections (a) and (b) of this section do not prohibit*  
15 *a State from continuing in force, or from enacting, a law,*  
16 *regulation, or order requiring the removal of obstructive*  
17 *vegetation from a railroad right-of-way for safety reasons*  
18 *that is more stringent than the requirements of the regula-*  
19 *tions prescribed pursuant to this section.*

20           “(d) *MODEL LEGISLATION.*—*Not later than 18 months*  
21 *after the date of enactment of the Federal Railroad Safety*  
22 *Improvement Act of 2007, the Secretary, after consultation*  
23 *with the Federal Railroad Safety Administration, the Fed-*  
24 *eral Highway Administration, and States, shall develop*  
25 *and make available to States model legislation providing*

1 *for improving safety by addressing sight obstructions at*  
 2 *highway-rail grade crossings that are equipped solely with*  
 3 *passive warnings, such as permanent structures, temporary*  
 4 *structures, and standing railroad equipment, as rec-*  
 5 *ommended by the Inspector General of the Department of*  
 6 *Transportation in Report No. MH-2007-044.”.*

7 (b) *CONFORMING AMENDMENT.—The table of sections*  
 8 *for such subchapter II of chapter 201 is amended by insert-*  
 9 *ing after the item relating to section 20155 the following*  
 10 *new item:*

*“20156. Roadway user sight distance at highway-rail grade crossings.”.*

11 **SEC. 403. GRADE CROSSING SIGNAL VIOLATIONS.**

12 (a) *AMENDMENTS.—Section 20151 of title 49, United*  
 13 *States Code, is amended—*

14 (1) *by amending the section heading to read as*  
 15 *follows:*

16 **“§20151. Railroad trespassing, vandalism, and signal**  
 17 ***violation prevention strategy*”;**

18 (2) *in subsection (a)—*

19 (A) *by striking “and vandalism affecting*  
 20 *railroad safety” and inserting in lieu thereof “,*  
 21 *vandalism affecting railroad safety, and viola-*  
 22 *tions of grade crossing signals”;*

23 (B) *by inserting “, concerning trespassing*  
 24 *and vandalism,” after “such evaluation and re-*  
 25 *view”; and*

1           (C) by inserting “The second such evalua-  
2           tion and review, concerning violations of grade  
3           crossing signals, shall be completed before April  
4           1, 2008.” after “November 2, 1994.”;

5           (3) in the subsection heading of subsection (b),  
6           by inserting “FOR TRESPASSING AND VANDALISM  
7           PREVENTION” after “OUTREACH PROGRAM”;

8           (4) in subsection (c)—

9           (A) by redesignating paragraphs (1) and  
10          (2) as subparagraphs (A) and (B), respectively;

11          (B) by inserting “(1)” after “MODEL LEG-  
12          ISLATION.—”; and

13          (C) by adding at the end the following new  
14          paragraph:

15          “(2) Within 18 months after the date of enactment of  
16          the Federal Railroad Safety Improvement Act of 2007, the  
17          Secretary, after consultation with State and local govern-  
18          ments, railroad carriers, and rail labor organizations, shall  
19          develop and make available to State and local governments  
20          model State legislation providing for civil or criminal pen-  
21          alties, or both, for violations of grade crossing signals.”; and

22          (5) by adding at the end the following new sub-  
23          section:

24          “(d) DEFINITION.—For purposes of this section, the  
25          term ‘violation of grade crossing signals’ includes any ac-



1 tion by a motorist, unless directed by an authorized safety  
2 officer—

3 “(1) to drive around a grade crossing gate in a  
4 position intended to block passage over railroad  
5 tracks;

6 “(2) to drive through a flashing grade crossing  
7 signal;

8 “(3) to drive through a grade crossing with pas-  
9 sive warning signs without ensuring that the grade  
10 crossing could be safely crossed before any train ar-  
11 rived; and

12 “(4) in the vicinity of a grade crossing, that cre-  
13 ates a hazard of an accident involving injury or  
14 property damage at the grade crossing.”

15 (b) *CONFORMING AMENDMENT.*—The item relating to  
16 section 20151 in the table of sections for subchapter II of  
17 chapter 201 of title 49, United States Code, is amended to  
18 read as follows:

“20151. Railroad trespassing, vandalism, and signal violation prevention strat-  
egy.”

19 **SEC. 404. NATIONAL CROSSING INVENTORY.**

20 (a) *IN GENERAL.*—Subchapter II of chapter 201 of  
21 title 49, United States Code, as amended by this Act, is  
22 further amended by adding at the end the following new  
23 section:

1 **“§20157. National crossing inventory**

2       “(a) *INITIAL REPORTING OF INFORMATION ABOUT*  
3 *PREVIOUSLY UNREPORTED CROSSINGS.—Not later than 1*  
4 *year after the date of enactment of the Federal Railroad*  
5 *Safety Improvement Act of 2007 or 6 months after a new*  
6 *crossing becomes operational, whichever occurs later, each*  
7 *railroad carrier shall—*

8               “(1) *report to the Secretary of Transportation*  
9 *current information, including information about*  
10 *warning devices and signage, as specified by the Sec-*  
11 *retary, concerning each previously unreported cross-*  
12 *ing through which it operates; or*

13               “(2) *ensure that the information has been re-*  
14 *ported to the Secretary by another railroad carrier*  
15 *that operates through the crossing.*

16       “(b) *UPDATING OF CROSSING INFORMATION.—(1) On*  
17 *a periodic basis beginning not later than 3 years after the*  
18 *date of enactment of the Federal Railroad Safety Improve-*  
19 *ment Act of 2007 and on or before September 30 of every*  
20 *third year thereafter, or as otherwise specified by the Sec-*  
21 *retary, each railroad carrier shall—*

22               “(A) *report to the Secretary current information,*  
23 *including information about warning devices and*  
24 *signage, as specified by the Secretary, concerning each*  
25 *crossing through which it operates; or*

1           “(B) ensure that the information has been re-  
2           ported to the Secretary by another railroad carrier  
3           that operates through the crossing.

4           “(2) A railroad carrier that sells a crossing or any  
5           part of a crossing on or after the date of enactment of the  
6           Federal Railroad Safety Improvement Act of 2007 shall, not  
7           later than the date that is 18 months after the date of enact-  
8           ment of that Act or 3 months after the sale, whichever occurs  
9           later, or as otherwise specified by the Secretary, report to  
10          the Secretary current information, as specified by the Sec-  
11          retary, concerning the change in ownership of the crossing  
12          or part of the crossing.

13          “(c) *RULEMAKING AUTHORITY.*—The Secretary shall  
14          prescribe the regulations necessary to implement this sec-  
15          tion. The Secretary may enforce each provision of the De-  
16          partment of Transportation’s statement of the national  
17          highway-rail crossing inventory policy, procedures, and in-  
18          struction for States and railroads that is in effect on the  
19          date of enactment of the Federal Railroad Safety Improve-  
20          ment Act of 2007, until such provision is superseded by a  
21          regulation issued under this section.

22          “(d) *DEFINITIONS.*—In this section:

23                  “(1) *CROSSING.*—The term ‘crossing’ means a lo-  
24                  cation within a State, other than a location where  
25                  one or more railroad tracks cross one or more rail-

1 road tracks either at grade or grade-separated,  
2 where—

3 “(A) a public highway, road, or street, or a  
4 private roadway, including associated sidewalks  
5 and pathways, crosses one or more railroad  
6 tracks either at grade or grade-separated; or

7 “(B) a pathway dedicated for the use of  
8 nonvehicular traffic, including pedestrians,  
9 bicyclists, and others, that is not associated with  
10 a public highway, road, or street, or a private  
11 roadway, crosses one or more railroad tracks ei-  
12 ther at grade or grade-separated.

13 “(2) STATE.—The term ‘State’ means a State of  
14 the United States, the District of Columbia, or the  
15 Commonwealth of Puerto Rico.”.

16 (b) CONFORMING AMENDMENT.—The table of sections  
17 for such subchapter II of chapter 201 is amended by adding  
18 at the end the following new item:

“20157. National crossing inventory.”.

19 (c) REPORTING AND UPDATING.—Section 130 of title  
20 23, United States Code, is amended by adding at the end  
21 the following:

22 “(l) NATIONAL CROSSING INVENTORY.—

23 “(1) INITIAL REPORTING OF CROSSING INFORMA-  
24 TION.—Not later than 1 year after the date of enact-  
25 ment of the Federal Railroad Safety Improvement Act

1       of 2007 or within 6 months of a new crossing becom-  
2       ing operational, whichever occurs later, each State  
3       shall report to the Secretary of Transportation cur-  
4       rent information, including information about warn-  
5       ing devices and signage, as specified by the Secretary,  
6       concerning each previously unreported crossing lo-  
7       cated within its borders.

8               “(2) *PERIODIC UPDATING OF CROSSING INFOR-*  
9       *MATION.*—On a periodic basis beginning not later  
10      than 3 years after the date of enactment of the *Fed-*  
11      *eral Railroad Safety Improvement Act of 2007* and  
12      on or before September 30 of every third year there-  
13      after, or as otherwise specified by the Secretary, each  
14      State shall report to the Secretary current informa-  
15      tion, including information about warning devices  
16      and signage, as specified by the Secretary, concerning  
17      each crossing located within its borders.

18              “(3) *RULEMAKING AUTHORITY.*—The Secretary  
19      shall prescribe the regulations necessary to implement  
20      this subsection. The Secretary may enforce each provi-  
21      sion of the Department of Transportation’s statement  
22      of the national highway-rail crossing inventory pol-  
23      icy, procedures, and instructions for States and rail-  
24      roads that is in effect on the date of enactment of the  
25      *Federal Railroad Safety Improvement Act of 2007*,

1       *until such provision is superseded by a regulation*  
2       *issued under this subsection.*

3               “(4) *DEFINITIONS.*—*In this subsection, the terms*  
4       *‘crossing’ and ‘State’ have the meaning given those*  
5       *terms by section 20157(d)(1) and (2), respectively, of*  
6       *title 49.’’.*

7       (d) *CIVIL PENALTIES.*—(1) *Section 21301(a)(1) of title*  
8       *49, United States Code, is amended—*

9               (A) *by inserting “with section 20157 or” after*  
10       *“comply” in the first sentence; and*

11              (B) *by inserting “section 20157 of this title or”*  
12       *after “violating” in the second sentence.*

13       (2) *Section 21301(a)(2) of title 49, United States Code,*  
14       *is amended by inserting “The Secretary shall impose a civil*  
15       *penalty for a violation of section 20157 of this title.” after*  
16       *the first sentence.*

17       **SEC. 405. ACCIDENT AND INCIDENT REPORTING.**

18       *The Federal Railroad Safety Administration shall*  
19       *conduct an audit of each Class I railroad at least once every*  
20       *2 years and conduct an audit of each non-Class I railroad*  
21       *at least once every 5 years to ensure that all grade crossing*  
22       *collisions and fatalities are reported to the national acci-*  
23       *dent database.*

1 **SEC. 406. AUTHORITY TO BUY PROMOTIONAL ITEMS TO IM-**  
2 **PROVE RAILROAD CROSSING SAFETY AND**  
3 **PREVENT RAILROAD TRESPASS.**

4 *Section 20134(a) of title 49, United States Code, is*  
5 *amended by adding at the end the following: “The Secretary*  
6 *may purchase promotional items of nominal value and dis-*  
7 *tribute them to the public without charge as part of an edu-*  
8 *cational or awareness program to accomplish the purposes*  
9 *of this section and of any other sections of this title related*  
10 *to improving the safety of highway-rail crossings and to*  
11 *prevent trespass on railroad rights of way, and the Sec-*  
12 *retary shall prescribe guidelines for the administration of*  
13 *this authority.”.*

14 **SEC. 407. OPERATION LIFESAVER.**

15 *(a) GRANT.—The Federal Railroad Safety Adminis-*  
16 *tration shall make a grant or grants to Operation Lifesaver*  
17 *to carry out a public information and education program*  
18 *to help prevent and reduce pedestrian, bicycle, motor vehi-*  
19 *cle, and other incidents, injuries, and fatalities, and to im-*  
20 *prove awareness along railroad rights-of-way and at high-*  
21 *way-rail grade crossings. This includes development, place-*  
22 *ment, and dissemination of Public Service Announcements*  
23 *in newspaper, radio, television, and other media. It will*  
24 *also include school presentations, brochures and materials,*  
25 *support for public awareness campaigns, and related sup-*

1 port for the activities of Operation Lifesaver's member orga-  
2 nizations.

3 (b) *PILOT PROGRAM.*—Funds provided under sub-  
4 section (a) may also be used by Operation Lifesaver to im-  
5 plement a pilot program, to be known as the Railroad Safe-  
6 ty Public Awareness Program, that addresses the need for  
7 targeted, sustained community outreach on the subjects de-  
8 scribed in subsection (a). Such pilot program shall be estab-  
9 lished in States and communities where risk is greatest, in  
10 terms of the number of crashes and population density near  
11 the railroad, including residences, businesses, and schools.  
12 Such pilot program shall be carried out through grants to  
13 Operation Lifesaver for work with community leaders,  
14 school districts, and public and private partners to identify  
15 the communities at greatest risk, and through development  
16 of an implementation plan. An evaluation component re-  
17 quirement shall be included in the grant to measure results.

18 (c) *AUTHORIZATION OF APPROPRIATIONS.*—There are  
19 authorized to be appropriated to the Federal Railroad Safe-  
20 ty Administration for carrying out this section \$1,500,000  
21 for each of the fiscal years 2008 through 2011.

22 **SEC. 408. STATE ACTION PLAN.**

23 (a) *IN GENERAL.*—The Secretary shall identify on an  
24 annual basis the top 10 States that have had the most high-  
25 way-rail grade crossing collisions over the past year. The



1 *Secretary shall work with each of these States to develop*  
 2 *a State Grade Crossing Action Plan that identifies specific*  
 3 *solutions for improving safety at crossings, particularly at*  
 4 *crossings that have experienced multiple accidents.*

5 *(b) REVIEW AND APPROVAL.—Not later than 60 days*  
 6 *after the Secretary receives a plan under subsection (a), the*  
 7 *Secretary shall review and approve or disapprove it. If the*  
 8 *proposed plan is not approved, the Secretary shall notify*  
 9 *the affected State as to the specific points in which the pro-*  
 10 *posed plan is deficient, and the State shall correct all defi-*  
 11 *ciencies within 30 days following receipt of written notice*  
 12 *from the Secretary.*

13 **SEC. 409. FOSTERING INTRODUCTION OF NEW TECH-**  
 14 **NOLOGY TO IMPROVE SAFETY AT HIGHWAY-**  
 15 **RAIL GRADE CROSSINGS.**

16 *(a) AMENDMENT.—Chapter 201 of title 49, United*  
 17 *States Code, as amended by this Act, is further amended*  
 18 *by adding at the end the following:*

19 **“§20165. Fostering introduction of new technology to**  
 20 **improve safety at highway-rail grade**  
 21 **crossings**

22 *“(a) FINDINGS.—(1) Collisions between highway users*  
 23 *and trains at highway-rail grade crossings continue to*  
 24 *cause an unacceptable loss of life and serious personal in-*  
 25 *jury and also threaten the safety of rail transportation.*

1       “(2) While elimination of at-grade crossings through  
2 consolidation of crossings and grade separations offers the  
3 greatest long-term promise for optimizing the safety and ef-  
4 ficiency of the two modes of transportation, over 140,000  
5 public grade crossings remain on the general rail system—  
6 approximately one for each route mile on the general rail  
7 system.

8       “(3) Conventional highway traffic control devices such  
9 as flashing lights and gates are effective in warning motor-  
10 ists of a train’s approach to an equipped crossing.

11       “(4) Since enactment of the Highway Safety Act of  
12 1973, over \$4,200,000,000 of Federal funding has been in-  
13 vested in safety improvements at highway-rail grade cross-  
14 ings, yet a majority of public highway-rail grade crossings  
15 are not yet equipped with active warning systems.

16       “(5) The emergence of new technologies supporting In-  
17 telligent Transportation Systems presents opportunities for  
18 more effective and affordable warnings and safer passage  
19 of highway users and trains at remaining highway-rail  
20 grade crossings.

21       “(6) Implementation of new crossing safety technology  
22 will require extensive cooperation between highway authori-  
23 ties and railroad carriers.

24       “(7) Federal Railroad Safety Administration regula-  
25 tions establishing performance standards for processor-

1 based signal and train control systems provide a suitable  
 2 framework for qualification of new or novel technology at  
 3 highway-rail grade crossings, and the Federal Highway Ad-  
 4 ministration’s Manual on Uniform Traffic Control Devices  
 5 provides an appropriate means of determining highway  
 6 user interface with such new technology.

7 “(b) *POLICY.*—It is the policy of the United States to  
 8 encourage the development of new technology that can pre-  
 9 vent loss of life and injuries at highway-rail grade cross-  
 10 ings. The Secretary of Transportation is designated to carry  
 11 out this policy in consultation with States and necessary  
 12 public and private entities.”.

13 (b) *TABLE OF SECTIONS AMENDMENT.*—The table of  
 14 sections for chapter 201 of title 49, United States Code, as  
 15 amended by this Act, is further amended by adding at the  
 16 end the following new item:

“20165. *Fostering introduction of new technology to improve safety at highway-  
 rail grade crossings.*”.

## 17 **TITLE V—ENFORCEMENT**

### 18 **SEC. 501. ENFORCEMENT.**

19 Section 20112(a) of title 49, United States Code, is  
 20 amended—

21 (1) by inserting “this part or” in paragraph (1)  
 22 after “enforce,”;

23 (2) by striking “21301” in paragraph (2) and  
 24 inserting “21301, 21302, or 21303”;

1           (3) by striking “subpena” in paragraph (3) and  
2           inserting “subpoena, request for admissions, request  
3           for production of documents or other tangible things,  
4           or request for testimony by deposition”; and

5           (4) by striking “chapter.” in paragraph (3) and  
6           inserting “part.”.

7   **SEC. 502. CIVIL PENALTIES.**

8           (a) *GENERAL VIOLATIONS OF CHAPTER 201.*—Section  
9   21301(a)(2) of title 49, United States Code, is amended—

10           (1) by striking “\$10,000” and inserting  
11           “\$25,000”; and

12           (2) by striking “\$20,000” and inserting  
13           “\$100,000”.

14           (b) *ACCIDENT AND INCIDENT VIOLATIONS OF CHAPTER*  
15 *201; VIOLATIONS OF CHAPTERS 203 THROUGH 209.*—Sec-  
16 *tion 21302(a)(2) of title 49, United States Code, is amend-*  
17 *ed—*

18           (1) by striking “\$10,000” and inserting  
19           “\$25,000”; and

20           (2) by striking “\$20,000” and inserting  
21           “\$100,000”.

22           (c) *VIOLATIONS OF CHAPTER 211.*—Section  
23 *21303(a)(2) of title 49, United States Code, is amended—*

24           (1) by striking “\$10,000” and inserting  
25           “\$25,000”; and

1           (2) *by striking “\$20,000” and inserting*  
2           *“\$100,000”.*

3 **SEC. 503. CRIMINAL PENALTIES.**

4           *Section 21311(b) of title 49, United States Code, is*  
5 *amended by striking “\$500” both places it appears and in-*  
6 *serting “\$2,500”.*

7 **SEC. 504. EXPANSION OF EMERGENCY ORDER AUTHORITY.**

8           *Section 20104(a)(1) of title 49, United States Code,*  
9 *is amended by striking “death or personal injury” and in-*  
10 *serting “death, personal injury, or significant harm to the*  
11 *environment”.*

12 **SEC. 505. ENFORCEMENT TRANSPARENCY.**

13           *(a) AMENDMENT.—Subchapter I of chapter 201 of title*  
14 *49, United States Code, is amended by adding at the end*  
15 *the following:*

16 **“§ 20118. Enforcement transparency**

17           *“(a) IN GENERAL.—Not later than December 31, 2007,*  
18 *the Secretary of Transportation shall—*

19                   *“(1) provide a monthly updated summary to the*  
20                   *public of all railroad enforcement actions taken by the*  
21                   *Secretary or the Federal Railroad Safety Administra-*  
22                   *tion, from the time a notice commencing an enforce-*  
23                   *ment action is issued until the enforcement action is*  
24                   *final;*

1           “(2) include in each such summary identifica-  
2           tion of the railroad carrier or person involved in the  
3           enforcement activity, the type of alleged violation, the  
4           penalty or penalties proposed, any changes in case  
5           status since the previous summary, the final assess-  
6           ment amount of each penalty, and the reasons for a  
7           reduction in the proposed penalty, if appropriate;  
8           and

9           “(3) provide a mechanism by which a railroad  
10          carrier or person named in an enforcement action  
11          may make information, explanations, or documents it  
12          believes are responsive to the enforcement action  
13          available to the public.

14          “(b) *ELECTRONIC AVAILABILITY.*—Each summary  
15          under this section shall be made available to the public by  
16          electronic means.

17          “(c) *RELATIONSHIP TO FOIA.*—Nothing in this sec-  
18          tion shall be construed to require disclosure of information  
19          or records that are exempt from disclosure under section  
20          552 of title 5.”.

21          (b) *TABLE OF SECTIONS AMENDMENT.*—The table of  
22          sections of subchapter I of chapter 201 of title 49, United  
23          States Code, is amended by adding at the end the following  
24          new item:

“20118. *Enforcement transparency.*”.

1 **SEC. 506. INTERFERING WITH OR HAMPERING SAFETY IN-**  
2 **VESTIGATIONS.**

3 (a) *AMENDMENT.*—Subchapter II of chapter 213 of  
4 title 49, United States Code, is amended by adding at the  
5 end the following new section:

6 **“§21312. Interfering with or hampering safety inves-**  
7 **tigations**

8 “(a) *IN GENERAL.*—It shall be unlawful for any per-  
9 son knowingly to interfere with, obstruct, or hamper an in-  
10 vestigation by the Secretary of Transportation conducted  
11 under section 20703 or 20902 of this title, or a railroad  
12 investigation by the National Transportation Safety Board  
13 under chapter 11 of this title.

14 “(b) *INTIMIDATION AND HARASSMENT.*—It shall be  
15 unlawful for any person, with regard to an investigation  
16 conducted by the Secretary under section 20703 or 20902  
17 of this title, or a railroad investigation by the National  
18 Transportation Safety Board under chapter 11 of this title,  
19 knowingly or intentionally to use intimidation, harass-  
20 ment, threats, or physical force toward another person, or  
21 corruptly persuade another person, or attempt to do so, or  
22 engage in misleading conduct toward another person, with  
23 the intent or effect of—

24 “(1) influencing the testimony or statement of  
25 any person;

1           “(2) *hindering, delaying, preventing, or dis-*  
2           *suading any person from—*

3           “(A) *attending a proceeding or interview*  
4           *with, testifying before, or providing a written*  
5           *statement to, a National Transportation Safety*  
6           *Board railroad investigator, a Federal railroad*  
7           *safety inspector or State railroad safety inspec-*  
8           *tor, or their superiors;*

9           “(B) *communicating or reporting to a Na-*  
10           *tional Transportation Safety Board railroad in-*  
11           *vestigator, a Federal railroad safety inspector, or*  
12           *a State railroad safety inspector, or their superi-*  
13           *ors, information relating to the commission or*  
14           *possible commission of one or more violations of*  
15           *this part or of chapter 51 of this title; or*

16           “(C) *recommending or using any legal rem-*  
17           *edy available to the Secretary under this title; or*

18           “(3) *causing or inducing any person to—*

19           “(A) *withhold testimony, or a statement,*  
20           *record, document, or other object, from the inves-*  
21           *tigation;*

22           “(B) *alter, destroy, mutilate, or conceal a*  
23           *statement, record, document, or other object with*  
24           *intent to impair the integrity or availability of*



1           *the statement, record, document, or other object*  
2           *for use in the investigation;*

3           “(C) *evade legal process summoning that*  
4           *person to appear as a witness, or to produce a*  
5           *statement, record, document, or other object, in*  
6           *the investigation; or*

7           “(D) *be absent from an investigation to*  
8           *which such person has been summoned by legal*  
9           *process.*

10          “(c) *ELEMENTS OF VIOLATION.—(1) For the purposes*  
11          *of this section, the testimony or statement, or the record,*  
12          *document, or other object, need not be admissible in evidence*  
13          *or free from a claim of privilege.*

14          “(2) *In a prosecution for an offense under this section,*  
15          *no state of mind need be proved with respect to the cir-*  
16          *cumstance that the investigation is being conducted by the*  
17          *Secretary under section 20703 or 20902 of this title or by*  
18          *the National Transportation Safety Board under chapter*  
19          *11 of this title.*

20          “(d) *CRIMINAL PENALTIES.—A person violating this*  
21          *section shall be fined under title 18, imprisoned for not*  
22          *more than 1 year, or both.”.*

23          “(b) *TABLE OF SECTIONS AMENDMENT.—The table of*  
24          *sections of subchapter II of chapter 213 of title 49, United*

1 *States Code, is amended by adding at the end the following*  
2 *new item:*

*“21312. Interfering with or hampering safety investigations.”.*

3 **SEC. 507. RAILROAD RADIO MONITORING AUTHORITY.**

4 *Section 20107 of title 49, United States Code, is*  
5 *amended by inserting at the end the following:*

6 *“(c) RAILROAD RADIO COMMUNICATIONS.—*

7 *“(1) IN GENERAL.—To carry out the Secretary’s*  
8 *responsibilities under this part and under chapter 51,*  
9 *the Secretary may authorize officers, employees, or*  
10 *agents of the Secretary to conduct the following ac-*  
11 *tivities in circumstances the Secretary finds to be rea-*  
12 *sonable:*

13 *“(A) Intercepting a radio communication,*  
14 *with or without the consent of the sender or other*  
15 *receivers of the communication, but only where*  
16 *such communication is broadcast or transmitted*  
17 *over a radio frequency which is—*

18 *“(i) authorized for use by one or more*  
19 *railroad carriers by the Federal Commu-*  
20 *nications Commission; and*

21 *“(ii) primarily used by such railroad*  
22 *carriers for communications in connection*  
23 *with railroad operations.*

24 *“(B) Communicating the existence, contents,*  
25 *substance, purport, effect, or meaning of the com-*

1           *communication, subject to the restrictions in para-*  
2           *graph (3).*

3           “(C) *Receiving or assisting in receiving the*  
4           *communication (or any information therein con-*  
5           *tained).*

6           “(D) *Disclosing the contents, substance,*  
7           *purport, effect, or meaning of the communication*  
8           *(or any part thereof of such communication) or*  
9           *using the communication (or any information*  
10          *contained therein), subject to the restrictions in*  
11          *paragraph (3), after having received the commu-*  
12          *nication or acquired knowledge of the contents,*  
13          *substance, purport, effect, or meaning of the com-*  
14          *munication (or any part thereof).*

15          “(E) *Recording the communication by any*  
16          *means, including writing and tape recording.*

17          “(2) *ACCIDENT PREVENTION AND ACCIDENT IN-*  
18          *VESTIGATION.—The Secretary, and officers, employ-*  
19          *ees, and agents of the Department of Transportation*  
20          *authorized by the Secretary, may engage in the ac-*  
21          *tivities authorized by paragraph (1) for the purpose*  
22          *of accident prevention and accident investigation.*

23          “(3) *USE OF INFORMATION.—(A) Information*  
24          *obtained through activities authorized by paragraphs*

1       (1) and (2) shall not be admitted into evidence in any  
2       administrative or judicial proceeding except—

3               “(i) in a prosecution of a felony under Fed-  
4       eral or State criminal law; or

5               “(ii) to impeach evidence offered by a party  
6       other than the Federal Government regarding the  
7       existence, electronic characteristics, content, sub-  
8       stance, purport, effect, meaning, or timing of, or  
9       identity of parties to, a communication inter-  
10      cepted pursuant to paragraphs (1) and (2) in  
11      proceedings pursuant to section 5122, 5123,  
12      20702(b), 20111, 20112, 20113, or 20114 of this  
13      title.

14              “(B) If information obtained through activities  
15      set forth in paragraphs (1) and (2) is admitted into  
16      evidence for impeachment purposes in accordance  
17      with subparagraph (A), the court, administrative law  
18      judge, or other officer before whom the proceeding is  
19      conducted may make such protective orders regarding  
20      the confidentiality or use of the information as may  
21      be appropriate in the circumstances to protect pri-  
22      vacy and administer justice.

23              “(C) No evidence shall be excluded in an admin-  
24      istrative or judicial proceeding solely because the gov-  
25      ernment would not have learned of the existence of or

1        *obtained such evidence but for the interception of in-*  
2        *formation that is not admissible in such proceeding*  
3        *under subparagraph (A).*

4                *“(D) Information obtained through activities set*  
5        *forth in paragraphs (1) and (2) shall not be subject*  
6        *to publication or disclosure, or search or review in*  
7        *connection therewith, under section 552 of title 5.*

8                *“(E) Nothing in this subsection shall be con-*  
9        *strued to impair or otherwise affect the authority of*  
10       *the United States to intercept a communication, and*  
11       *collect, retain, analyze, use, and disseminate the in-*  
12       *formation obtained thereby, under a provision of law*  
13       *other than this subsection.*

14                *“(4) APPLICATION WITH OTHER LAW.—Section*  
15       *705 of the Communications Act of 1934 (47 U.S.C.*  
16       *605) and chapter 119 of title 18 shall not apply to*  
17       *conduct authorized by and pursuant to this sub-*  
18       *section.”.*

19        **SEC. 508. INSPECTOR STAFFING.**

20                *The Secretary shall increase the total number of posi-*  
21       *tions for railroad safety inspection and enforcement per-*  
22       *sonnel at the Federal Railroad Safety Administration so*  
23       *that by December 31, 2008, the total number of such posi-*  
24       *tions is at least 500, by December 31, 2009, the total num-*  
25       *ber of such positions is at least 600, by December 31, 2010,*

1 *the total number of such positions is at least 700, and by*  
2 *December 31, 2011, the total number of positions is at least*  
3 *800.*

4           ***TITLE VI—MISCELLANEOUS***  
5                           ***PROVISIONS***

6 ***SEC. 601. POSITIVE TRAIN CONTROL SYSTEMS.***

7           *(a) IN GENERAL.—Not later than 12 months after the*  
8 *date of enactment of this Act, each Class I railroad carrier*  
9 *shall develop and submit to the Secretary a plan for imple-*  
10 *menting a positive train control system by December 31,*  
11 *2014, that will minimize the risk of train collisions and*  
12 *over-speed derailments, provide protection to maintenance-*  
13 *of-way workers within established work zone limits, and*  
14 *minimize the risk of the movement of a train through a*  
15 *switch left in the wrong position.*

16           *(b) SAFETY REDUNDANCY.—The positive train control*  
17 *system required under subsection (a) shall provide a safety*  
18 *redundancy to minimize the risk of accidents by overriding*  
19 *human performance failures involving train movements on*  
20 *main line tracks.*

21           *(c) CONTENTS OF PLAN.—The Secretary may provide*  
22 *technical assistance and guidance to railroad carriers in*  
23 *developing the plans required under subsection (a), and*  
24 *shall require that each railroad carrier include in the plan,*  
25 *at a minimum—*

1           (1) *measurable goals, including a strategy and*  
2           *timeline for implementation of such systems;*

3           (2) *a prioritization of how the systems will be*  
4           *implemented, with particular emphasis on high-risk*  
5           *corridors such as those that have significant move-*  
6           *ments of hazardous materials or where commuter and*  
7           *intercity passenger railroads operate;*

8           (3) *identification of detailed steps the carriers*  
9           *will take to implement the systems; and*

10          (4) *any other element the Secretary considers ap-*  
11          *propriate.*

12          (d) *REVIEW AND APPROVAL.*—*Not later than 90 days*  
13 *after the Secretary receives a plan, the Secretary shall re-*  
14 *view and approve it. If the proposed plan is not approved,*  
15 *the Secretary shall notify the affected railroad carrier as*  
16 *to the specific points in which the proposed plan is defi-*  
17 *cient, and the railroad carrier shall correct all deficiencies*  
18 *within 30 days following receipt of written notice from the*  
19 *Secretary. The Secretary shall annually conduct a review*  
20 *to ensure that the railroads are complying with their plans.*

21          (e) *REPORT.*—*Not later than December 31, 2011, the*  
22 *Secretary shall transmit a report to the Committee on*  
23 *Transportation and Infrastructure of the House of Rep-*  
24 *resentatives and the Committee on Commerce, Science, and*  
25 *Transportation of the Senate on the progress of the railroad*

1 carriers in implementing such positive train control sys-  
2 tems.

3 (f) *AUTHORITY TO EXTEND DEADLINE.*—The Sec-  
4 retary may extend the date for implementation required  
5 under subsection (a) for any Class I railroad carrier for  
6 a period of not more than 24 months if the Secretary deter-  
7 mines such an extension is necessary—

8 (1) to implement a more effective positive train  
9 control system than would be possible under the date  
10 established in subsection (a);

11 (2) to obtain interoperability between positive  
12 train control systems implemented by railroad car-  
13 riers;

14 (3) for the Secretary to determine that a positive  
15 train control system meets the requirements of this  
16 section and regulations issued by the Secretary; or

17 (4) to otherwise enhance safety.

18 (g) *CERTIFICATION.*—The Secretary shall not permit  
19 the installation of any positive train control system or com-  
20 ponent unless the Secretary has certified that such system  
21 or component has not experienced a safety-critical failure  
22 during prior testing and evaluation. If such a failure has  
23 occurred, the system or component may be repaired and  
24 evaluated in accordance with part 236 of title 49 of the  
25 Code of Federal Regulations and may be installed when the



1 *Secretary certifies that the factors causing the failure have*  
2 *been corrected and approves the system for installation in*  
3 *accordance with such part 236.*

4 *(h) NOTICE.—Not later than 30 days after the Sec-*  
5 *retary grants an extension under subsection (f), the Sec-*  
6 *retary shall publish a notice in the Federal Register that*  
7 *identifies the Class I railroad carrier that is being granted*  
8 *the extension, the reasons for granting the extension, and*  
9 *the length of the extension.*

10 **SEC. 602. WARNING IN NONSIGNALLED TERRITORY.**

11 *(a) AMENDMENT.—Subchapter II of chapter 201 of*  
12 *title 49, United States Code, as amended by this Act, is*  
13 *further amended by adding at the end the following new*  
14 *section:*

15 **“§20158. Warning in nonsignaled territory**

16 *“Not later than 12 months after the date of enactment*  
17 *of the Federal Railroad Safety Improvement Act of 2007,*  
18 *the Secretary of Transportation shall prescribe regulations*  
19 *that require railroads, with respect to main lines in nonsig-*  
20 *naled territory without a train speed enforcement system*  
21 *that would stop a train in advance of a misaligned switch,*  
22 *to either—*

23 *“(1) install an automatically activated device, in*  
24 *addition to the switch banner, that will, visually or*  
25 *electronically, compellingly capture the attention of*

1       *the employees involved with switch operations and*  
2       *clearly convey the status of the switch both in day-*  
3       *light and darkness; or*

4               “(2) *operate trains at speeds that will allow*  
5       *them to be safely stopped in advance of misaligned*  
6       *switches.”.*

7       **(b) TABLE OF SECTIONS AMENDMENT.**—*The table of*  
8       *sections of subchapter II of chapter 201 of title 49, United*  
9       *States Code, is amended by adding at the end the following*  
10       *new item:*

      “20158. *Warning in nonsignaled territory.*”.

11       **SEC. 603. TRACK SAFETY.**

12       **(a) AMENDMENT.**—*Subchapter II of chapter 201 of*  
13       *title 49, United States Code, as amended by this Act, is*  
14       *further amended by adding at the end the following new*  
15       *section:*

16       **“§ 20159. Track safety**

17               “(a) **RAIL INTEGRITY.**—*Not later than 12 months after*  
18       *the date of enactment of the Federal Railroad Safety Im-*  
19       *provement Act of 2007, the Secretary of Transportation*  
20       *shall prescribe regulations to require railroad carriers to*  
21       *manage the rail in their tracks so as to minimize accidents*  
22       *due to internal rail flaws. The regulations shall, at a min-*  
23       *imum—*

24               “(1) *require railroad carriers to conduct ultra-*  
25       *sonic or other appropriate inspections to ensure that*

1 *rail used to replace defective segments of existing rail*  
2 *is free from internal defects;*

3 *“(2) require railroad carriers to perform rail in-*  
4 *tegrity inspections to manage an annual service fail-*  
5 *ure rate of less than .1 per track mile on high-risk*  
6 *corridors such as those that have significant move-*  
7 *ments of hazardous materials or where commuter and*  
8 *intercity passenger railroads operate; and*

9 *“(3) encourage railroad carrier use of advanced*  
10 *rail defect inspection equipment and similar tech-*  
11 *nologies as part of a comprehensive rail inspection*  
12 *program.*

13 *“(b) CONCRETE CROSSTIES.—Not later than 18*  
14 *months after the date of enactment of the Federal Railroad*  
15 *Safety Improvement Act of 2007, the Secretary shall develop*  
16 *and implement regulations for all classes of track for con-*  
17 *crete crossties that address, at a minimum—*

18 *“(1) limits for rail seat abrasion;*

19 *“(2) concrete crosstie pad wear limits;*

20 *“(3) missing or broken rail fasteners;*

21 *“(4) loss of appropriate toeload pressure;*

22 *“(5) improper fastener configurations; and*

23 *“(6) excessive lateral rail movement.”.*

24 *(b) TABLE OF SECTIONS AMENDMENT.—The table of*  
25 *sections of subchapter II of chapter 201 of title 49, United*

1 *States Code, is amended by adding at the end the following*  
 2 *new item:*

*“20159. Track safety.”.*

3 **SEC. 604. CERTIFICATION OF CONDUCTORS.**

4 (a) *AMENDMENT.—Subchapter II of chapter 201 of*  
 5 *title 49, United States Code, as amended by this Act, is*  
 6 *further amended by adding at the end the following new*  
 7 *section:*

8 **“§ 20160. Certification of conductors**

9 *“(a) REGULATIONS.—Not later than 18 months after*  
 10 *the date of enactment of the Federal Railroad Safety Im-*  
 11 *provement Act of 2007, the Secretary of Transportation*  
 12 *shall prescribe regulations and issue orders to establish a*  
 13 *program requiring the certification of train conductors. In*  
 14 *prescribing such regulations, the Secretary shall require*  
 15 *that conductors on passenger trains be trained in security,*  
 16 *first aid, and emergency preparedness.*

17 *“(b) PROGRAM DESIGN.—The program established*  
 18 *under this section shall be designed based on the require-*  
 19 *ments of section 20135(b) through (e).”.*

20 (b) *TABLE OF SECTIONS AMENDMENT.—The table of*  
 21 *sections of subchapter II of chapter 201 of title 49, United*  
 22 *States Code, is amended by adding at the end the following*  
 23 *new item:*

*“20160. Certification of conductors.”.*

1 **SEC. 605. MINIMUM TRAINING STANDARDS.**

2 (a) *AMENDMENT.*—Subchapter II of chapter 201 of  
3 title 49, United States Code, as amended by this Act, is  
4 further amended by adding at the end the following new  
5 section:

6 **“§20161. Minimum training standards**

7 “The Secretary of Transportation shall, not later than  
8 180 days after the date of enactment of the Federal Railroad  
9 Safety Improvement Act of 2007, establish—

10 “(1) minimum training standards for each class  
11 and craft of railroad employees, which shall require  
12 railroad carriers to qualify or otherwise document the  
13 proficiency of their employees in each class and craft  
14 regarding their knowledge of, and ability to comply  
15 with, Federal railroad safety laws and regulations  
16 and railroad carrier rules and procedures promul-  
17 gated to implement those Federal railroad safety laws  
18 and regulations;

19 “(2) a requirement for railroad carriers to sub-  
20 mit their training and qualification programs to the  
21 Federal Railroad Safety Administration for approval;  
22 and

23 “(3) a minimum training curriculum, and ongo-  
24 ing training criteria, testing, and skills evaluation  
25 measures to ensure that railroad employees charged  
26 with the inspection of track or railroad equipment are

1       *qualified to assess railroad compliance with Federal*  
2       *standards to identify defective conditions and initiate*  
3       *immediate remedial action to correct critical safety*  
4       *defects that are known to contribute to derailments,*  
5       *accidents, or injury. In implementing the require-*  
6       *ments of this paragraph, the Secretary shall take into*  
7       *consideration existing training programs of railroad*  
8       *carriers.”.*

9       **(b) TABLE OF SECTIONS AMENDMENT.**—*The table of*  
10      *sections of subchapter II of chapter 201 of title 49, United*  
11      *States Code, is amended by adding at the end the following*  
12      *new item:*

      “20161. *Minimum training standards.*”.

13      **SEC. 606. PROMPT MEDICAL ATTENTION.**

14      **(a) AMENDMENT.**—*Subchapter II of chapter 201 of*  
15      *title 49, United States Code, as amended by this Act, is*  
16      *further amended by adding at the end the following new*  
17      *section:*

18      **“§ 20162. Prompt medical attention**

19      **“(a) PROHIBITION.**—*A railroad or person covered*  
20      *under this title shall not deny, delay, or interfere with the*  
21      *medical or first aid treatment of an employee who is in-*  
22      *jured during the course of employment. If transportation*  
23      *to a hospital is requested by an employee who is injured*  
24      *during the course of employment, the railroad shall prompt-*

1 *ly arrange to have the injured employee transported to the*  
2 *nearest medically appropriate hospital.*

3       “(b) *DISCIPLINE.*—*A railroad or person covered under*  
4 *this title shall not discipline, or threaten discipline to, an*  
5 *employee for requesting medical or first aid treatment, or*  
6 *for following orders or a treatment plan of a treating physi-*  
7 *cian. For purposes of this subsection, discipline means to*  
8 *bring charges against a person in a disciplinary pro-*  
9 *ceeding, suspend, terminate, place on probation, or make*  
10 *note of reprimand on an employee’s record.”.*

11       (b) *TABLE OF SECTIONS AMENDMENT.*—*The table of*  
12 *sections of subchapter II of chapter 201 of title 49, United*  
13 *States Code, is amended by adding at the end the following*  
14 *new item:*

      “20162. *Prompt medical attention.*”.

15 **SEC. 607. EMERGENCY ESCAPE BREATHING APPARATUS.**

16       (a) *AMENDMENT.*—*Subchapter II of chapter 201 of*  
17 *title 49, United States Code, as amended by this Act, is*  
18 *further amended by adding at the end the following new*  
19 *section:*

20 **“§ 20163. *Emergency escape breathing apparatus***

21       “*Not later than 18 months after the date of enactment*  
22 *of the Federal Railroad Safety Improvement Act of 2007,*  
23 *the Secretary of Transportation shall prescribe regulations*  
24 *that require railroads to—*

1           “(1) provide emergency escape breathing appa-  
2           ratus for all crewmembers on freight trains carrying  
3           hazardous materials that would pose an inhalation  
4           hazard in the event of release; and

5           “(2) provide their crewmembers with appro-  
6           priate training for using the breathing apparatus.”.

7           **(b) TABLE OF SECTIONS AMENDMENT.**—The table of  
8           sections of subchapter II of chapter 201 of title 49, United  
9           States Code, is amended by adding at the end the following  
10          new item:

          “20163. Emergency escape breathing apparatus.”.

11          **SEC. 608. LOCOMOTIVE CAB ENVIRONMENT.**

12           Not later than 12 months after the date of enactment  
13           of this Act, the Secretary of Transportation shall transmit  
14           to the Committee on Transportation and Infrastructure of  
15           the House of Representatives and the Committee on Com-  
16           merce, Science, and Transportation of the Senate a report  
17           on the effects of the locomotive cab environment on the safe-  
18           ty, health, and performance of train crews.

19          **SEC. 609. TUNNEL INFORMATION.**

20           Not later than 120 days after the date of enactment  
21           of this Act, each railroad carrier (as defined in section  
22           20102 of title 49, United States Code) shall, with respect  
23           to each of its tunnels which—

24           (1) are longer than 1000 feet and located under  
25           a city with a population of 400,000 or greater; or



1           (2) *carry 5 or more scheduled passenger trains*  
2           *per day, or 500 or more carloads of Toxic Inhalation*  
3           *Hazardous materials per year,*  
4           *maintain for at least two years historical documentation*  
5           *of structural inspection and maintenance activities for such*  
6           *tunnels, including information on the methods of ingress*  
7           *and egress into and out of the tunnel, the types of cargos*  
8           *typically transported through the tunnel, and schematics or*  
9           *blueprints for the tunnel, when available. Upon request, a*  
10          *railroad carrier shall also provide periodic briefings to the*  
11          *government of the local jurisdiction in which the tunnel is*  
12          *located, including updates whenever a repair or rehabilita-*  
13          *tion project substantially alters the methods of ingress and*  
14          *egress. Such governments shall use appropriate means to*  
15          *protect and restrict the distribution of any security sen-*  
16          *sitive information provided by the railroad carrier under*  
17          *this section, consistent with national security interests.*

18          **SEC. 610. RAILROAD POLICE.**

19          *Section 28101 of title 49, United States Code, is*  
20          *amended by striking “the rail carrier” each place it ap-*  
21          *pears and inserting “any rail carrier”.*

22          **SEC. 611. MUSEUM LOCOMOTIVE STUDY.**

23          (a) *STUDY.*—*The Secretary of Transportation shall*  
24          *conduct a study of its regulations relating to safety inspec-*  
25          *tions of diesel-electric locomotives and equipment and the*

1 *safety consequences of requiring less frequent inspections of*  
2 *such locomotives which are operated by museums, including*  
3 *annual inspections or inspections based on accumulated op-*  
4 *erating hours. The study shall include an analysis of the*  
5 *safety consequences of requiring less frequent air brake in-*  
6 *spections of such locomotives.*

7       **(b) REPORT.**—*Not later than 12 months after the date*  
8 *of enactment of this Act, the Secretary of Transportation*  
9 *shall transmit a report on the results of the study conducted*  
10 *under subsection (a) to the Committee on Transportation*  
11 *and Infrastructure of the House of Representatives and the*  
12 *Committee on Commerce, Science, and Transportation of*  
13 *the Senate.*

14 **SEC. 612. CERTIFICATION OF CARMEN.**

15       **(a) AMENDMENT.**—*Subchapter II of chapter 201 of*  
16 *title 49, United States Code, as amended by this Act, is*  
17 *further amended by adding at the end the following new*  
18 *section:*

19 **“§ 20164. Certification of carmen**

20       **“(a) REGULATIONS.**—*Not later than 18 months after*  
21 *the date of enactment of the Federal Railroad Safety Im-*  
22 *provement Act of 2007, the Secretary of Transportation*  
23 *shall prescribe regulations and issue orders to establish a*  
24 *program requiring the certification of carmen, including all*  
25 *employees performing mechanical inspections, brake system*

1 *inspections, or maintenance on freight and passenger rail*  
2 *cars.*

3       “(b) *PROGRAM DESIGN.*—*The program established*  
4 *under this section shall be designed by the Secretary of*  
5 *Transportation based on the requirements of parts 215, 221,*  
6 *231, 232, and 238 of title 49 of the Code of Federal Regula-*  
7 *tions.”.*

8       “(b) *TABLE OF SECTIONS AMENDMENT.*—*The table of*  
9 *sections of subchapter II of chapter 201 of title 49, United*  
10 *States Code, is amended by adding at the end the following*  
11 *new item:*

      “20164. *Certification of carmen.*”.

12 **SEC. 613. TRAIN CONTROL SYSTEMS DEPLOYMENT GRANTS.**

13       “(a) *GRANT PROGRAM.*—*The Secretary of Transpor-*  
14 *tation shall establish a grant program for the deployment*  
15 *of train control and component technologies, including—*

16               (1) *communications-based train control systems*  
17 *designed to prevent train movement authority viola-*  
18 *tions, over-speed violations, and train collision acci-*  
19 *dents caused by noncompliance with authorities as*  
20 *well as to provide additional protections to roadway*  
21 *workers and protect against open switches in non-*  
22 *signal territories;*

23               (2) *remote control power switch technology;*

24               (3) *switch point monitoring technology; and*

25               (4) *track integrity circuit technology.*

1       **(b) GRANT CRITERIA.**—

2               **(1) ELIGIBILITY.**—Grants shall be made under  
3       this section to eligible passenger and freight railroad  
4       carriers and State and local governments for projects  
5       described in subsection (a) that have a public benefit  
6       of improved safety or network efficiency.

7               **(2) IMPLEMENTATION PLAN.**—An applicant for a  
8       grant made pursuant to this section shall file with the  
9       Secretary a train control implementation plan that  
10      shall describe the overall safety and efficiency benefits  
11      of installing systems described in subsection (a) and  
12      the stages for implementing such systems.

13              **(3) CONSIDERATION.**—The Secretary shall give  
14      priority consideration to applications that benefit  
15      both passenger and freight safety and efficiency, or  
16      incentivize train control technology deployment on  
17      high-risk corridors such as those that have significant  
18      movements of hazardous materials or where commuter  
19      and intercity passenger railroads operate.

20              **(c) AUTHORIZATION OF APPROPRIATIONS.**—(1) There  
21      are authorized to be appropriated to the Secretary such  
22      sums as may be necessary for each of fiscal years 2008  
23      through 2011 to carry out this section.

24              **(2)** Amounts made available pursuant to this sub-  
25      section shall remain available until expended.

1 **SEC. 614. INFRASTRUCTURE SAFETY INVESTMENT RE-**  
2 **PORTS.**

3 *Not later than February 15th of each year, each Class*  
4 *I railroad shall file a report with both the Federal Railroad*  
5 *Safety Administration and the Surface Transportation*  
6 *Board detailing, by State, the infrastructure investments*  
7 *and maintenance they have performed on their system, in-*  
8 *cluding but not limited to track, locomotives, railcars, and*  
9 *grade crossings, in the previous calendar year to ensure the*  
10 *safe movement of freight, and their plans for such invest-*  
11 *ments and maintenance in the current calendar year. Such*  
12 *reports shall be publicly available, and any interested party*  
13 *may file comments about the reports, which also shall be*  
14 *made public.*

15 **SEC. 615. EMERGENCY GRADE CROSSING SAFETY IMPROVE-**  
16 **MENTS.**

17 *(a) ESTABLISHMENT OF PROGRAM.—The Secretary of*  
18 *Transportation shall establish a grant program to provide*  
19 *for emergency grade crossing safety improvements, includ-*  
20 *ing the installation, repair, or improvement of—*

21 *(1) railroad crossing signals, gates, and related*  
22 *technologies, including median barriers and four*  
23 *quadrant gates;*

24 *(2) highway traffic signalization, including*  
25 *highway signals tied to railroad signal systems;*

1           (3) *highway lighting and crossing approach*  
2           *signage;*

3           (4) *roadway improvements, including railroad*  
4           *crossing panels and surfaces; and*

5           (5) *related work to mitigate dangerous condi-*  
6           *tions.*

7           (b) *GRANT CRITERIA.—*

8           (1) *ELIGIBILITY.—The Secretary may make*  
9           *grants to State and local governments under this sec-*  
10           *tion to provide emergency grade crossing safety im-*  
11           *provements at a location where there has been a rail-*  
12           *road grade crossing collision with a school bus, or col-*  
13           *lision involving three or more serious bodily injuries*  
14           *or fatalities.*

15           (2) *MAXIMUM AMOUNT.—Grants awarded under*  
16           *paragraph (1) shall not exceed \$250,000 per crossing.*

17           (3) *NO STATE OR LOCAL SHARE.—The Secretary*  
18           *shall not require the contribution of a State or local*  
19           *share as a condition of the grant.*

20           (c) *AUTHORIZATION OF APPROPRIATIONS.—There are*  
21           *authorized to be appropriated to the Secretary such sums*  
22           *as may be necessary for each of fiscal years 2008 through*  
23           *2011 to carry out this section. Amounts made available*  
24           *under this subsection shall remain available until expended.*

1 **SEC. 616. CLARIFICATIONS REGARDING STATE LAW CAUSES**  
2 **OF ACTION.**

3 *Section 20106 of title 49, United States Code, is*  
4 *amended—*

5 *(1) by inserting “(a) IN GENERAL.—” before*  
6 *“Laws, regulations”; and*

7 *(2) by inserting at the end the following new*  
8 *subsection:*

9 *“(b) CLARIFICATIONS REGARDING STATE LAW CAUSES*  
10 *OF ACTION.—*

11 *“(1) IN GENERAL.—Nothing in this section shall*  
12 *be construed to preempt an action under State law*  
13 *seeking damages for personal injury, death, or prop-*  
14 *erty damage alleging that a party has violated the*  
15 *Federal standard of care established by a regulation*  
16 *or order issued by the Secretary of Transportation*  
17 *(with respect to railroad safety matters), or the Sec-*  
18 *retary of Homeland Security (with respect to the rail-*  
19 *road security matters) covering the subject matter as*  
20 *provided in subsection (a) of this section. This in-*  
21 *cludes actions under State law for a party’s violation*  
22 *of or failure to adequately comply with its own plan,*  
23 *rule, or standard that it created pursuant to a regula-*  
24 *tion or order issued by either of the Secretaries or for*  
25 *a party’s failure to adequately comply with a law,*  
26 *regulation, or order issued by either of the Secretaries.*

1     *Actions under State law for a violation of a State*  
 2     *law, regulation, or order that is not inconsistent with*  
 3     *subsection (a)(2) are also not preempted.*

4             “(2) *RETROACTIVITY.*—*This subsection shall*  
 5     *apply to all pending State law causes of action aris-*  
 6     *ing from events or activities occurring on or after*  
 7     *January 18, 2002.”.*

8             ***TITLE VII—RAIL PASSENGER***  
 9             ***DISASTER FAMILY ASSISTANCE***

10    ***SEC. 701. SHORT TITLE.***

11             *This title may be cited as the “Rail Passenger Disaster*  
 12    *Family Assistance Act of 2007”.*

13    ***SEC. 702. ASSISTANCE BY NATIONAL TRANSPORTATION***  
 14             ***SAFETY BOARD TO FAMILIES OF PASSENGERS***  
 15             ***INVOLVED IN RAIL PASSENGER ACCIDENTS.***

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

19    ***“§ 1139. Assistance to families of passengers involved***  
 20             ***in rail passenger accidents***

21             *“(a) IN GENERAL.*—*As soon as practicable after being*  
 22    *notified of a rail passenger accident within the United*  
 23    *States involving a rail passenger carrier and resulting in*  
 24    *a major loss of life, the Chairman of the National Transpor-*  
 25    *tation Safety Board shall—*



1           “(1) designate and publicize the name and phone  
2           number of a director of family support services who  
3           shall be an employee of the Board and shall be re-  
4           sponsible for acting as a point of contact within the  
5           Federal Government for the families of passengers in-  
6           volved in the accident and a liaison between the rail  
7           passenger carrier and the families; and

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

14          “(b) *RESPONSIBILITIES OF THE BOARD.*—The Board  
15          shall have primary Federal responsibility for—

16                 “(1) facilitating the recovery and identification  
17                 of fatally injured passengers involved in an accident  
18                 described in subsection (a); and

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

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

23                         “(B) Government agencies; and

24                         “(C) the rail passenger carrier involved,

1       *with respect to the accident and the post-accident ac-*  
2       *tivities.*

3       “(c) *RESPONSIBILITIES OF DESIGNATED ORGANIZA-*  
4       *TION.—The organization designated for an accident under*  
5       *subsection (a)(2) shall have the following responsibilities*  
6       *with respect to the families of passengers involved in the*  
7       *accident:*

8               “(1) *To provide mental health and counseling*  
9       *services, in coordination with the disaster response*  
10       *team of the rail passenger carrier involved.*

11              “(2) *To take such actions as may be necessary*  
12       *to provide an environment in which the families may*  
13       *grieve in private.*

14              “(3) *To meet with the families who have traveled*  
15       *to the location of the accident, to contact the families*  
16       *unable to travel to such location, and to contact all*  
17       *affected families periodically thereafter until such*  
18       *time as the organization, in consultation with the di-*  
19       *rector of family support services designated for the ac-*  
20       *cident under subsection (a)(1), determines that fur-*  
21       *ther assistance is no longer needed.*

22              “(4) *To arrange a suitable memorial service, in*  
23       *consultation with the families.*

24       “(d) *PASSENGER LISTS.—*

25              “(1) *REQUESTS FOR PASSENGER LISTS.—*

1           “(A) *REQUESTS BY DIRECTOR OF FAMILY*  
2           *SUPPORT SERVICES.—It shall be the responsi-*  
3           *bility of the director of family support services*  
4           *designated for an accident under subsection*  
5           *(a)(1) to request, as soon as practicable, from the*  
6           *rail passenger carrier involved in the accident a*  
7           *list, which is based on the best available infor-*  
8           *mation at the time of the request, of the names*  
9           *of the passengers that were aboard the rail pas-*  
10           *senger carrier’s train involved in the accident. A*  
11           *rail passenger carrier shall use reasonable efforts,*  
12           *with respect to its unreserved trains, and pas-*  
13           *sengers not holding reservations on its other*  
14           *trains, to ascertain the names of passengers*  
15           *aboard a train involved in an accident.*

16           “(B) *REQUESTS BY DESIGNATED ORGANIZA-*  
17           *TION.—The organization designated for an acci-*  
18           *dent under subsection (a)(2) may request from*  
19           *the rail passenger carrier involved in the acci-*  
20           *dent a list described in subparagraph (A).*

21           “(2) *USE OF INFORMATION.—The director of*  
22           *family support services and the organization may not*  
23           *release to any person information on a list obtained*  
24           *under paragraph (1) but may provide information on*  
25           *the list about a passenger to the family of the pas-*

1        *senger to the extent that the director of family support*  
2        *services or the organization considers appropriate.*

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

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

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

14        “(f)    *USE    OF    RAIL    PASSENGER    CARRIER    RE-*  
15        *SOURCES.—To the extent practicable, the organization des-*  
16        *ignated for an accident under subsection (a)(2) shall coordi-*  
17        *nate its activities with the rail passenger carrier involved*  
18        *in the accident to facilitate the reasonable use of the re-*  
19        *sources of the carrier.*

20        “(g)    *PROHIBITED ACTIONS.—*

21               *“(1) ACTIONS TO IMPEDE THE BOARD.—No per-*  
22               *son (including a State or political subdivision) may*  
23               *impede the ability of the Board (including the direc-*  
24               *tor of family support services designated for an acci-*  
25               *dent under subsection (a)(1)), or an organization des-*

1        *ignated for an accident under subsection (a)(2), to*  
2        *carry out its responsibilities under this section or the*  
3        *ability of the families of passengers involved in the*  
4        *accident to have contact with one another.*

5            *“(2) UNSOLICITED COMMUNICATIONS.—No unso-*  
6        *olicited communication concerning a potential action*  
7        *for personal injury or wrongful death may be made*  
8        *by an attorney (including any associate, agent, em-*  
9        *ployee, or other representative of an attorney) or any*  
10       *potential party to the litigation to an individual*  
11       *(other than an employee of the rail passenger carrier)*  
12       *injured in the accident, or to a relative of an indi-*  
13       *vidual involved in the accident, before the 45th day*  
14       *following the date of the accident.*

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

1 *mines that the extension is necessary to meet the*  
2 *needs of the families and if State and local authori-*  
3 *ties are notified of the determination.*

4 *“(h) DEFINITIONS.—In this section, the following defi-*  
5 *initions apply:*

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

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

12 *“(B) interstate or intrastate high-speed rail*  
13 *(as such term is defined in section 26105) trans-*  
14 *portation,*  
15 *regardless of its cause or suspected cause.*

16 *“(2) RAIL PASSENGER CARRIER.—The term ‘rail*  
17 *passenger carrier’ means a rail carrier 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 rail*  
22 *(as such term is defined in section 26105) trans-*  
23 *portation,*

24 *except that such term shall not include a tourist, his-*  
25 *toric, scenic, or excursion rail carrier.*

1           “(3) *PASSENGER.*—*The term ‘passenger’ in-*  
2           *cludes—*

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 the*  
7                   *transportation, occupied a seat, or held a res-*  
8                   *ervation 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 priority*  
24                   *is willing and able to provide assistance to the vic-*

1        *tims and families of the passengers involved in the*  
 2        *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 re-*  
 8        *linquished investigative priority in assisting families*  
 9        *with respect to the accident.”.*

10        (b) *CONFORMING AMENDMENT.*—*The table of sections*  
 11        *for such chapter is amended by inserting after the item re-*  
 12        *lating to section 1138 the following:*

      “1139. *Assistance to families of passengers involved in rail passenger accidents.”.*

13        **SEC. 703. 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 passenger 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 months  
5 after the date of the enactment of this section, each rail pas-  
6 senger carrier shall submit to the Secretary of Transpor-  
7 tation and the Chairman of the National Transportation  
8 Safety Board a plan for addressing the needs of the families  
9 of passengers involved in any rail passenger accident in-  
10 volving a train of the rail passenger carrier and resulting  
11 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 1139(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 pas-  
26 senger 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 carrier*  
6       *will provide to the director of family support services*  
7       *designated for the accident under section 1139(a)(1)*  
8       *of this title, and to the organization designated for the*  
9       *accident under section 1139(a)(2) of this title, imme-*  
10       *diately upon request, a list (which is based on the best*  
11       *available information at the time of the request) of*  
12       *the names of the passengers aboard the train (whether*  
13       *or not such names have been verified), and will peri-*  
14       *odically update the list. The plan shall include a pro-*  
15       *cedure, with respect to unreserved trains and pas-*  
16       *sengers not holding reservations on other trains, for*  
17       *the rail passenger carrier to use reasonable efforts to*  
18       *ascertain the names of passengers aboard a train in-*  
19       *volved 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 family*  
25       *of a passenger, any possession of the passenger within*

1        *the control of the rail passenger carrier (regardless of*  
2        *its condition) will be returned to the family unless the*  
3        *possession is needed for the accident investigation or*  
4        *any criminal investigation.*

5            *“(7) An assurance that any unclaimed posses-*  
6        *sion of a passenger within the control of the rail pas-*  
7        *senger carrier will be retained by the rail passenger*  
8        *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, including*  
13       *any inscription on the monument.*

14           *“(9) An assurance that the treatment of the fam-*  
15       *ilies of nonrevenue passengers will be the same as the*  
16       *treatment of the families of revenue passengers.*

17           *“(10) An assurance that the rail passenger car-*  
18       *rier will work with any organization designated*  
19       *under section 1139(a)(2) of this title on an ongoing*  
20       *basis to ensure that families of passengers receive an*  
21       *appropriate level of services and assistance following*  
22       *each accident.*

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

1        *ganization designated under section 1139(a)(2) of this*  
2        *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 staying*  
7        *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 car-*  
21       *rier shall not be liable for damages in any action brought*  
22       *in a Federal or State court arising out of the performance*  
23       *of the rail passenger carrier in preparing or providing a*  
24       *passenger list, or in providing information concerning a*  
25       *train reservation, pursuant to a plan submitted by the rail*

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

5 “(d) *DEFINITIONS.—In this section—*

6 “(1) *the terms ‘rail passenger accident’ and ‘rail*  
 7 *passenger carrier’ have the meanings such terms have*  
 8 *in section 1139 of this title; and*

9 “(2) *the term ‘passenger’ means a person aboard*  
 10 *a rail passenger carrier’s train that is involved in a*  
 11 *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 chapters*  
 19 *for subtitle V of title 49, United States Code, is amended*  
 20 *by adding after the item relating to chapter 249 the fol-*  
 21 *lowing new item:*

“251. *FAMILY ASSISTANCE* ..... 25101”.

22 **SEC. 704. ESTABLISHMENT OF TASK FORCE.**

23 (a) *ESTABLISHMENT.—The Secretary of Transpor-*  
 24 *tation, in cooperation with the National Transportation*  
 25 *Safety Board, organizations potentially designated under*

1 *section 1139(a)(2) of title 49, United States Code, rail pas-*  
2 *senger carriers, and families which have been involved in*  
3 *rail accidents, shall establish a task force consisting of rep-*  
4 *resentatives of such entities and families, representatives of*  
5 *passenger rail carrier employees, and representatives of*  
6 *such other entities as the Secretary considers appropriate.*

7 *(b) MODEL PLAN AND RECOMMENDATIONS.—The task*  
8 *force established pursuant to subsection (a) shall develop—*

9 *(1) a model plan to assist passenger rail carriers*  
10 *in responding to passenger rail accidents;*

11 *(2) recommendations on methods to improve the*  
12 *timeliness of the notification provided by passenger*  
13 *rail carriers to the families of passengers involved in*  
14 *a passenger rail accident;*

15 *(3) recommendations on methods to ensure that*  
16 *the families of passengers involved in a passenger rail*  
17 *accident who are not citizens of the United States re-*  
18 *ceive appropriate assistance; and*

19 *(4) recommendations on methods to ensure that*  
20 *emergency services personnel have as immediate and*  
21 *accurate a count of the number of passengers onboard*  
22 *the train as possible.*

23 *(c) REPORT.—Not later than 1 year after the date of*  
24 *the enactment of this Act, the Secretary shall transmit to*  
25 *Congress a report containing the model plan and rec-*

- 1 *ommendations developed by the task force under subsection*
- 2 *(b).*

Union Calendar No. 208

110<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2095**

[Report No. 110-336]

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**A BILL**

To amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes.

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SEPTEMBER 19, 2007

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed