

110TH CONGRESS
2D SESSION

H. R. 6973

To require rail carriers to develop positive rail control system plans for improving railroad safety and to increase the civil penalties for railroad safety violations.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2008

Mr. SCHIFF (for himself, Mr. WAXMAN, Mr. GALLEGLY, Mr. SHERMAN, Mrs. NAPOLITANO, Mrs. CAPPES, and Mr. BERMAN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To require rail carriers to develop positive rail control system plans for improving railroad safety and to increase the civil penalties for railroad safety violations.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rail Collision Preven-

5 tion Act”.

6 **SEC. 2. POSITIVE TRAIN CONTROL SYSTEMS.**

7 (a) SUBMISSION OF PLAN.—

1 (1) IN GENERAL.—Not later than 12 months
2 after the date of the enactment of this Act, each rail
3 carrier that is a Class I railroad, a rail carrier that
4 has inadequate safety performance (as determined
5 by the Secretary), or a rail carrier that provides
6 intercity passenger or commuter rail passenger
7 transportation shall develop and submit to the Sec-
8 retary a plan for implementing a positive train con-
9 trol system by December 31, 2014.

10 (2) TECHNICAL ASSISTANCE.—The Secretary
11 may provide technical assistance and guidance to
12 railroad carriers in developing the plans required
13 under this subsection.

14 (b) DEFINITIONS.—In this section:

15 (1) POSITIVE TRAIN CONTROL SYSTEM.—The
16 term “positive train control system” means a system
17 designed to prevent train-to-train collisions, over-
18 speed derailments, incursions into roadway worker
19 work limits, and movement of a train through a
20 switch left in the wrong position.

21 (2) SECRETARY.—The term “Secretary” means
22 the Secretary of Transportation.

23 (c) CONTENTS OF PLAN.—The plans submitted
24 under paragraph (1) shall include—

1 (1) measurable goals, including a strategy and
2 time line 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
7 and 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
11 appropriate.

12 (d) REVIEW AND APPROVAL.—

13 (1) IN GENERAL.—Not later than 90 days after
14 the Secretary receives a plan from a rail carrier
15 under this section, the Secretary shall—

16 (A) review the plan;

17 (B) notify the rail carrier that the plan has
18 been approved; or

19 (C) notify the affected railroad carrier of
20 the specific points in which the proposed plan
21 is deficient.

22 (2) CORRECTION OF DEFICIENCIES.—A railroad
23 carrier shall correct all deficiencies of a plan sub-
24 mitted under this section not later than 30 days

1 after receiving written notice from the Secretary of
2 such deficiencies.

3 (3) COMPLIANCE WITH PLAN.—Upon receiving
4 notification from the Secretary that a plan sub-
5 mitted under this section has been approved, the rail
6 carrier that submitted such plan shall comply with
7 goals, strategy, and time line contained in such plan.

8 (4) ANNUAL REVIEW.—The Secretary shall con-
9 duct an annual review to ensure that each rail car-
10 rier is complying with the plan submitted by such
11 rail carrier under this section.

12 (e) REPORT.—Not later than December 31, 2011, the
13 Secretary shall submit a report that describes the progress
14 made by rail carriers in implementing positive train con-
15 trol systems to—

16 (1) the Committee on Commerce, Science, and
17 Transportation of the Senate; and

18 (2) the Committee on Transportation and In-
19 frastructure of the House of Representatives.

20 (f) Positive train control systems shall be imple-
21 mented no later than December 31, 2012 in those areas
22 determined by the Secretary of Transportation to have the
23 highest safety risk due to shared track between commuter
24 and freight rail.

1 (g) ENFORCEMENT.—The Secretary is authorized to
2 assess civil penalties pursuant to chapter 213 of title 49,
3 United States Code, for a violation of this section, includ-
4 ing the failure to submit, certify, or comply with a plan
5 for implementing a positive train control system.

6 **SEC. 3. CIVIL PENALTY INCREASES.**

7 (a) GENERAL VIOLATIONS OF CHAPTER 201.—Sec-
8 tion 21301(a)(2) of title 49, United States Code, is
9 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 CHAP-
15 TER 201; VIOLATIONS OF CHAPTERS 203 THROUGH
16 209.—Section 21302(a)(2) of such title is amended—

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

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

21 (c) VIOLATIONS OF CHAPTER 211.—Section
22 21303(a)(2) of such title is amended—

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

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

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