

115TH CONGRESS  
2D SESSION

# S. 3139

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 26, 2018

Referred to the Committee on Transportation and Infrastructure

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## AN ACT

To require State safety oversight agencies to conduct safety inspections of public transportation systems that provide rail fixed guideway public transportation and to direct the Secretary of Transportation to develop risk-based inspection guidance for such agencies, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Transit Rail Inspection  
3 Practices Act of 2018” or the “TRIP Act”.

4 **SEC. 2. PUBLIC TRANSPORTATION SAFETY INSPECTIONS.**

5 (a) IN GENERAL.—Section 5329 of title 49, United  
6 States Code, is amended—

7 (1) in subsection (b)—

8 (A) in paragraph (2)—

9 (i) in subparagraph (D), by striking  
10 “and” at the end;

11 (ii) in subparagraph (E), by striking  
12 the period at the end and inserting “;  
13 and”; and

14 (iii) by adding at the end the fol-  
15 lowing:

16 “(F) consideration, where appropriate, of  
17 performance-based and risk-based methodolo-  
18 gies.”; and

19 (B) by adding at the end the following:

20 “(3) PLAN UPDATES.—The Secretary shall up-  
21 date the national public transportation safety plan  
22 under paragraph (1) as necessary.”;

23 (2) in subsection (e), by adding at the end the  
24 following:

25 “(11) EFFECTIVENESS OF ENFORCEMENT AU-  
26 THORITIES AND PRACTICES.—The Secretary shall

1 develop and disseminate to State safety oversight  
2 agencies the process and methodology that the Sec-  
3 retary will use to monitor the effectiveness of the en-  
4 forcement authorities and practices of State safety  
5 oversight agencies.”; and

6 (3) by adding at the end the following:

7 “(1) INSPECTIONS.—

8 “(1) INSPECTION ACCESS.—

9 “(A) IN GENERAL.—A State safety over-  
10 sight program shall provide the State safety  
11 oversight agency established by the program  
12 with the authority and capability to enter the  
13 facilities of each rail fixed guideway public  
14 transportation system that the State safety  
15 oversight agency oversees to inspect infrastruc-  
16 ture, equipment, records, personnel, and data,  
17 including the data that the rail fixed guideway  
18 public transportation agency collects when iden-  
19 tifying and evaluating safety risks.

20 “(B) POLICES AND PROCEDURES.—A

21 State safety oversight agency, in consultation  
22 with each rail fixed guideway public transpor-  
23 tation agency that the State safety oversight  
24 agency oversees, shall establish policies and pro-  
25 cedures regarding the access of the State safety

1 oversight agency to conduct inspections of the  
2 rail fixed guideway public transportation sys-  
3 tem, including access for inspections that occur  
4 without advance notice to the rail fixed guide-  
5 way public transportation agency.

6 “(2) DATA COLLECTION.—

7 “(A) IN GENERAL.—A rail fixed guideway  
8 public transportation agency shall provide the  
9 applicable State safety oversight agency with  
10 the data that the rail fixed guideway public  
11 transportation agency collects when identifying  
12 and evaluating safety risks, in accordance with  
13 subparagraph (B).

14 “(B) POLICIES AND PROCEDURES.—A  
15 State safety oversight agency shall establish  
16 policies and procedures for collecting data de-  
17 scribed in subparagraph (A) from a rail fixed  
18 guideway public transportation agency, includ-  
19 ing with respect to frequency of collection, that  
20 is commensurate with the size and complexity  
21 of the rail fixed guideway public transportation  
22 system.

23 “(3) INCORPORATION.—Policies and procedures  
24 established under this subsection shall be incor-  
25 porated into—

1           “(A) the State safety oversight program  
2           standard adopted by a State safety oversight  
3           agency under section 674.27 of title 49, Code of  
4           Federal Regulations (or any successor regula-  
5           tion); and

6           “(B) the public transportation agency safe-  
7           ty plan established by a rail fixed guideway  
8           public transportation agency under subsection  
9           (d).

10          “(4) ASSESSMENT BY SECRETARY.—In assess-  
11          ing the capability of a State safety oversight agency  
12          to conduct inspections as required under paragraph  
13          (1), the Secretary shall ensure that—

14                 “(A) the inspection practices of the State  
15                 safety oversight agency are commensurate with  
16                 the number, size, and complexity of the rail  
17                 fixed guideway public transportation systems  
18                 that the State safety oversight agency oversees;

19                 “(B) the inspection program of the State  
20                 safety oversight agency is risk-based; and

21                 “(C) the State safety oversight agency has  
22                 sufficient resources to conduct the inspections.

23          “(5) SPECIAL DIRECTIVE.—The Secretary shall  
24          issue a special directive to each State safety over-  
25          sight agency on the development and implementation

1 of risk-based inspection programs under this sub-  
2 section.

3 “(6) ENFORCEMENT.—The Secretary may use  
4 any authority under this section, including any en-  
5 forcement action authorized under subsection (g), to  
6 ensure the compliance of a State safety oversight  
7 agency or State safety oversight program with this  
8 subsection.”.

9 (b) DEADLINE; EFFECTIVE DATE.—

10 (1) SPECIAL DIRECTIVE ON RISK-BASED IN-  
11 SPECTION PROGRAMS.—Not later than 1 year after  
12 the date of enactment of this Act, the Secretary of  
13 Transportation shall issue each special directive re-  
14 quired under section 5329(1)(5) of title 49, United  
15 States Code, as added by subsection (a).

16 (2) INSPECTION REQUIREMENTS.—Section  
17 5329(1) of title 49, United States Code, as added by  
18 subsection (a), shall apply with respect to a State  
19 safety oversight agency on and after the date that  
20 is 2 years after the date on which the Secretary  
21 issues the special directive to the State safety over-  
22 sight agency under paragraph (5) of such section  
23 5329(1).

24 (c) NO EFFECT ON INITIAL CERTIFICATION PROC-  
25 ESS.—Nothing in this section or the amendments made

1 by this section shall be construed to affect the require-  
2 ments for initial approval of a State safety oversight pro-  
3 gram, including the initial deadline, under section  
4 5329(e)(3) of title 49, United States Code, as in effect  
5 on the day before the date of enactment of this Act.

6 **SEC. 3. FUNDING FOR STATE SAFETY OVERSIGHT PRO-**  
7 **GRAM GRANTS.**

8 (a) **IN GENERAL.**—Section 5336(h)(4) of title 49,  
9 United States Code, is amended by striking “0.5 percent”  
10 and inserting “0.75 percent”.

11 (b) **APPLICABILITY.**—The amendment made by sub-  
12 section (a) shall apply with respect to fiscal year 2020 and  
13 each fiscal year thereafter.

Passed the Senate September 25, 2018.

Attest:

JULIE E. ADAMS,

*Secretary.*