

FRA SAFETY DATA IMPROVEMENT ACT

APRIL 5, 2018.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 4925]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 4925) to require the Administrator of the Federal Railroad Administration to implement certain recommendations for management and collection of railroad safety data, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

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## PURPOSE OF LEGISLATION

H.R. 4925, the FRA Safety Data Improvement Act, requires the Federal Railroad Administration (FRA) to develop a timeline and plan to implement improvements to its safety data collection and reporting. The bill requires FRA to implement recommendations from the Department of Transportation Inspector General (DOT IG) Report Number ST2017045.

## BACKGROUND AND NEED FOR LEGISLATION

Railroad safety is a top priority for the Committee, and effectively tracking and identifying safety risks helps to mitigate future accidents and incidents. In May 2017, the DOT IG published a report that outlined issues with FRA's collection and reporting of safety data. The report assessed FRA's: (1) guidance for reporting accident and incident data; and (2) audits for ensuring compliance with accident and incident reporting requirements. The DOT IG's report made a series of recommendations to help FRA improve its safety data collection and reporting, outlining seven main areas of concern.

Railroads are required to report information on accidents and incidents to FRA that meet or exceed parameters listed in Part 225. In 2015, there were over 100 Part 225 violations and more than 1,600 reporting defects identified by FRA inspectors. The DOT IG reported that differences in reporting requirements led to confusion for railroads and caused issues in accurate data reporting. FRA should update reporting guidance so users can more efficiently and accurately identify reporting requirements for different accident and incident types and better understand the definitions of terms used on reporting forms.

The DOT IG found that FRA lacks routine training, Web-accessible training, or other outreach programs available to railroad reporting officers. According to the DOT IG, this training could enhance reporting officers' understanding of key reporting requirements and common reporting errors. The lack of universal training can result in railroad reporting officers inadvertently omitting pertinent information. The DOT IG also articulated that the organization of FRA's Guide for Preparing Accident/Incident Reports increases the risk that a reporting officer may miss a requirement or interpret it differently.

Additionally, the DOT IG recommends that FRA develop and implement a standard method for identifying and listing railroads in each FRA region subject to 49 CFR Part 225 requirements; create and implement procedures for tracking 49 CFR Part 225 audits of non-Class I railroads and identifying entities exempt from 49 CFR Part 225 reporting requirements; and establish a risk-based prioritization for auditing non-Class I railroads every 5 years, which should include a determination of whether any higher-risk non-Class I railroads should be audited more frequently. The DOT IG also recommended that FRA formalize the 49 CFR Part 225 audit process with written guidance that identifies basic procedures, standards of evidence, and common sources of information, along with a process to update these standards and reevaluate audit priorities or scope when necessary. Lastly, the DOT IG recommended that FRA develop and initiate regular training to FRA

staff responsible for 49 CFR Part 225 audits and establish a procedure to update the training when necessary.

Effective tracking of rail accidents and incidents is integral to improving rail safety. FRA must strive to reduce reporting violations and defects, and underscore the importance of quality data. While FRA has guidance established for railroads, improvements can be made to ensure that reporting requirements are better understood by railroads.

#### HEARINGS

There were no hearings related to this legislation in the House.

#### LEGISLATIVE HISTORY AND CONSIDERATION

On February 5, 2018, Representative Josh Gottheimer (D–NJ) introduced H.R. 4925, the FRA Safety Data Improvement Act. On February 14, 2018, the Committee on Transportation and Infrastructure met in open session to consider H.R. 4925. The Committee reported the bill without amendment favorably to the House by voice vote with a quorum present.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes associated with this bill.

#### COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

In compliance with clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, the Committee adopts as its own the estimate of new budget authority, entitlement authority, or tax expenditures or revenues contained in the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974, included below.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the enclosed cost estimate for H.R. 4925 from the Director of the Congressional Budget Office:

U.S. CONGRESS,  
CONGRESSIONAL BUDGET OFFICE,  
*Washington, DC, March 7, 2018.*

Hon. BILL SHUSTER,  
*Chairman, Committee on Transportation and Infrastructure,  
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4925, the FRA Safety Data Improvement Act.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Sarah Puro.

Sincerely,

KEITH HALL,  
*Director.*

Enclosure.

*H.R. 4925—FRA Safety Data Improvement Act*

H.R. 4925 would require the Federal Railroad Administration (FRA) to develop a plan to comply with seven recommendations of the Department of Transportation's inspector general regarding the management and collection of safety data. The bill would require FRA to report annually to the Congress on compliance with the recommendations.

Under current law, CBO expects that FRA will implement the recommendations of the inspector general regarding the management and collection of safety data. FRA has already complied with five of those recommendations and using information from FRA, CBO expects that the agency will comply with the remaining two during 2018. As a result, CBO estimates that enacting the provisions of the bill would have no significant effect on the federal budget over the 2018–2022 period.

Enacting H.R. 4925 would not affect direct spending or revenues; therefore, pay-as-you-go procedures do not apply.

CBO estimates that enacting H.R. 4925 would not increase net direct spending or on-budget deficits in any of the four consecutive 10-year periods beginning in 2028.

H.R. 4925 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act.

The CBO staff contact for this estimate is Sarah Puro. The estimate was approved by H. Samuel Papenfuss, Deputy Assistant Director for Budget Analysis.

PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objectives of this legislation are to ensure that the FRA implement improvements to its safety data collection and reporting.

ADVISORY OF EARMARKS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), and 9(g) of rule XXI of the Rules of the House of Representatives. No provision in the bill, as amended,

includes an earmark, limited tax benefit, or limited tariff benefit under clause 9(e), 9(f), or 9(g) of rule XXI.

#### DUPLICATION OF FEDERAL PROGRAMS

Pursuant to section 3(g) of H. Res. 5, 114th Cong. (2015), the Committee finds that no provision of H.R. 4925 establishes or reauthorizes a program of the federal government known to be duplicative of another federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

#### DISCLOSURE OF DIRECTED RULE MAKINGS

Pursuant to section 3(i) of H. Res. 5, 113th Cong. (2015), the Committee estimates that enacting H.R. 4925, as amended, does not specifically direct the completion of a specific rule making within the meaning of section 551 of title 5, United States Code.

#### FEDERAL MANDATE STATEMENT

The Committee adopts as its own the estimate of federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

#### PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 4925, as amended, does not preempt any state, local, or tribal law. H.R. 4925, as amended, preserves the rights and permitting authorities of states.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act are created by this legislation, as amended.

#### APPLICABILITY OF LEGISLATIVE BRANCH

The Committee finds that the legislation, as amended, does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

#### SECTION-BY-SECTION ANALYSIS OF LEGISLATION

##### *Section 1. Short title*

This section designates the short title of the bill as the “FRA Safety Data Improvement Act”.

*Section 2. Recommendations for management and collection of railroad safety data*

This section directs the Administrator of FRA to develop a plan, and a timeline to carry out the plan, to implement the recommendations from the DOT IG Report Number ST2017045.

No later than 180 days after the date the bill is enacted, the FRA must submit the plan and timeline to Congress.

The FRA must annually update Congress on its implementation progress until it is completed.

*Section 3. No additional funds authorized*

This section lays out that no additional funds are authorized to carry out the requirements of the bill.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

H.R. 4925 makes no changes in existing law.