

S 1402

Federal Railroad Safety Improvement Act

Congress: 108 (2003–2005, Ended)

Chamber: Senate

Policy Area: Transportation and Public Works

Introduced: Jul 14, 2003

Current Status: Referred to the Subcommittee on Railroads.

Latest Action: Referred to the Subcommittee on Railroads. (Dec 9, 2003)

Official Text: <https://www.congress.gov/bill/108th-congress/senate-bill/1402>

Sponsor

Name: Sen. McCain, John [R-AZ]

Party: Republican • **State:** AZ • **Chamber:** Senate

Cosponsors (1 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Hollings, Ernest F. [D-SC]	D · SC		Jul 14, 2003

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Oct 31, 2003
Transportation and Infrastructure Committee	House	Referred to	Dec 9, 2003

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

No related bills are listed.

Federal Railroad Safety Improvement Act - **Title I: Authorization of Appropriations** - (Sec. 101) Amends Federal transportation law to authorize appropriations for rail safety for FY 2004 through 2008.

Title II: Rulemaking, Inspection, Enforcement, and Planning Authority - (Sec. 201) Requires railroad carriers and States to report to the Secretary of Transportation current information, with periodic updates, on previously unreported crossings (national crossing inventory).

(Sec. 202) Directs the Secretary to develop and transmit to specified congressional committees a plan for a joint initiative with States and municipalities to systematically reduce the number of public and private highway-rail grade crossings by one percent per year in each of the succeeding ten years.

Increases from \$7,500 to \$15,000 the maximum incentive payment a State may make to a local government upon its permanent closure of public at-grade railway-highway crossings.

(Sec. 203) Directs the Secretary to develop and make available to State and local governments model State legislation providing for civil or criminal penalties, or both, for violations of highway-rail grade crossing signals.

(Sec. 204) Authorizes appropriations for FY 2004 through 2008 to support Operation Lifesaver, Inc.

(Sec. 205) Directs the Secretary and the Secretary of Homeland Security to execute a memorandum of agreement governing the roles and responsibilities of their respective Departments in addressing railroad transportation security matters, including the processes the departments will follow to promote communications, efficiency, and nonduplication of effort.

Requires the Secretary to prescribe regulations and issue orders for every area of railroad safety, including security, supplementing laws, and regulations in effect on October 16, 1970.

(Sec. 206) Changes from monthly to quarterly the mandatory reports to the Secretary a railroad carrier must file on accidents and incidents.

(Sec. 207) Authorizes the Secretary to authorize his or her officers, employees, or agents for accident prevention and investigation purposes to intercept radio communications without the consent of sender or receiver. Limits the use of such an intercept in administrative or judicial proceedings to impeachment of certain related evidence presented by a non-Federal party.

(Sec. 208) Directs the Railroad Safety Advisory Committee of the Federal Railroad Administration to convene a working group to consider and report to Congress on what legislative or other changes the Secretary deems necessary to address fatigue management for railroad employees.

(Sec. 209) Directs the Secretary to: (1) prescribe a final rule addressing safety standards for positive train control (PTC) systems or other safety technologies that provide similar safety benefits; and (2) report to specified congressional committees on the progress of on-going and completed projects to implement PTC or such other technologies. Authorizes appropriations for FY 2004 through 2008.

(Sec. 211) Directs the Secretary to conduct and report to specified congressional committees on a safety survey of the structural integrity of railroad bridges and railroads' programs of inspection and maintenance of railroad bridges.

(Sec. 212) Revises the authority of railroad police employed by a particular railroad carrier to allow them to enforce the laws of any jurisdiction in which any rail carrier owns property (currently, only jurisdictions in which the employing carrier owns property).

(Sec. 213) Earmarks FY 2004 funds for the Federal Railroad Administration to perform a demonstration program to provide centralized training for its employees.

(Sec. 214) Directs the Secretary to study and report to specified congressional committees on the impact of blocked highway-railroad grade crossings on the ability of emergency responders to perform public safety and security duties.

(Sec. 215) Directs the Secretary to prescribe regulations setting forth procedures for a railroad to notify immediately first responders in communities that lie in the path of a runaway train.

Title III: Miscellaneous Provisions - (Sec. 301) Makes technical and conforming amendments to Federal transportation law to authorize the Attorney General at the Secretary's request to bring an action in Federal district court to enjoin a violation of rail safety law. Excludes from such authority actions for injunctions with respect to employee protections against discrimination for whistleblower activities or for reasonably refusing to work in the face of an imminent danger of death or serious injury (which rights may be enforced under the Railway Labor Act).

Provides for enforcement of requests for production of documents or other tangible things and requests for testimony by deposition under the rail safety laws.

(Sec. 302) Requires annual inflation adjustments to maximum civil penalties for violations, including accident and incident violations. Permits the Government to deduct the amount of a civil penalty imposed or compromised from amounts it owes the person liable for the penalty.

(Sec. 303) Repeals requirements for certain certain reports to Congress already submitted, as well as authority for establishment of and authorization of appropriations for an Institute for Railroad Safety.

Actions Timeline

- **Dec 9, 2003:** Referred to the Subcommittee on Railroads.
- **Dec 8, 2003:** Received in the House.
- **Dec 8, 2003:** Message on Senate action sent to the House.
- **Dec 8, 2003:** Referred to the House Committee on Transportation and Infrastructure.
- **Nov 25, 2003:** Passed/agreed to in Senate: Passed Senate with amendments by Unanimous Consent.(consideration: CR S16045-16051; text of meaasure as reported to Senate: CR S16045-16048; text as passed Senate: CR S16048-16051)
- **Nov 25, 2003:** Passed Senate with amendments by Unanimous Consent. (consideration: CR S16045-16051; text of meaasure as reported to Senate: CR S16045-16048; text as passed Senate: CR S16048-16051)
- **Oct 30, 2003:** Committee on Commerce, Science, and Transportation. Reported by Senator McCain with amendments. With written report No. 108-182.
- **Oct 30, 2003:** Committee on Commerce, Science, and Transportation. Reported by Senator McCain with amendments. With written report No. 108-182.
- **Oct 30, 2003:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 358.
- **Jul 17, 2003:** Committee on Commerce, Science, and Transportation. Ordered to be reported with amendments favorably.
- **Jul 14, 2003:** Introduced in Senate
- **Jul 14, 2003:** Sponsor introductory remarks on measure. (CR S9334-9335)
- **Jul 14, 2003:** Read twice and referred to the Committee on Commerce, Science, and Transportation. (text of measure as introduced: CR S9335-9338)