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Railroad Safety Enhancement Act of 2007

Congress: 110 (2007–2009, Ended)

Chamber: Senate

Policy Area: Transportation and Public Works

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Sponsor

Name: Sen. Lautenberg, Frank R. [D-NJ]

Party: Democratic • **State:** NJ • **Chamber:** Senate

Cosponsors (5 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Clinton, Hillary Rodham [D-NY]	D · NY		Jul 26, 2007
Sen. Kerry, John F. [D-MA]	D · MA		Jul 26, 2007
Sen. Schumer, Charles E. [D-NY]	D · NY		Jul 26, 2007
Sen. Smith, Gordon H. [R-OR]	R · OR		Jul 26, 2007
Sen. Brown, Sherrod [D-OH]	D · OH		Feb 12, 2008

Committee Activity

Committee	Chamber	Activity	Date
Commerce, Science, and Transportation Committee	Senate	Reported By	Mar 3, 2008

Subjects & Policy Tags

Policy Area:

Transportation and Public Works

Related Bills

Bill	Relationship	Last Action
110 HR 2095	Related bill	Oct 16, 2008: Became Public Law No: 110-432.

Railroad Safety Enhancement Act of 2007 - (Sec. 3) Amends federal transportation law to authorize appropriations for FY2008-FY2013 for: (1) railroad safety, including the safe transportation of hazardous materials; (2) research and development (R&D); (3) the purchase of Gage Restraint Measurement System vehicles and track geometry vehicles or other comparable technology to assess track safety; and (4) rail security personnel in Department of Transportation (DOT) regional offices and in Washington, DC.

Authorizes appropriations for FY2008-FY2011 for construction of the Facility for Underground Rail Station and Tunnel Testing and Training at the Transportation Technology Center, Inc., in Pueblo, Colorado.

Title I: Railroad Safety Risk Reduction and Strategy - (Sec. 101) Requires the Federal Railroad Administration (FRA) to have an Associate Administrator for Railroad Safety, who shall be the FRA's Chief Safety Officer.

(Sec. 102) Directs the Secretary of Transportation (Secretary) to develop: (1) a long-term railroad safety strategy that includes an annual plan for meeting specific goals; and (2) a railroad safety risk reduction pilot program (with appropriations authorized for FY2009-FY2010).

(Sec. 104) Directs the Secretary to require each railroad carrier that is a Class I railroad, a railroad carrier that has inadequate safety performance, or a railroad that provides intercity passenger or commuter rail passenger transportation to develop, and submit for FRA approval, a railroad safety risk reduction program, including technology implementation and fatigue management plans, to reduce the rate of railroad accidents and injuries. Grants the Secretary authority to assess civil penalties for violations of such requirements. Authorizes appropriations for FY2009-FY2010.

(Sec. 105) Directs the Secretary to ensure that railroad carriers required to submit a railroad safety risk reduction program that includes in its technology implementation plan a schedule for implementation of a positive train control system complies with such schedule by December 31, 2018, unless the railroad implements its system by an earlier date.

(Sec. 106) Revises hours of service requirements for a train employee to provide that such employee may not be required to be on duty: (1) where the employee has spent in any calendar month a total of 276 hours on duty, or waiting for transportation, or in deadhead transportation (limbo time), to a place of final release; (2) for more than 12 consecutive hours; and (3) unless the employee has had at least 10 consecutive (currently, eight consecutive) hours off duty during the previous 24 hours. Prohibits requiring or allowing such an employee to remain or go on duty after that employee has initiated an on-duty period each day for: (1) six consecutive days, unless the employee has had at least 48 consecutive hours off duty at the employee's home terminal; or (2) each day for seven consecutive days, if permitted by a collective bargaining agreement, unless the employee has had at least 72 consecutive hours of duty at a home terminal.

Caps the total number of hours that a train employee may spend on-duty and waiting for deadhead transportation on a train at 15 hours, unless the train is delayed by an accident, a major equipment failure, or a delay resulting from a cause unknown and unforeseeable to a railroad carrier.

Revises hours of service requirements for signal employees, including signal employees of contractors or subcontractors. Repeals the requirement that a signal employee have at least eight consecutive hours off duty during any 24 hour period. Makes 12 consecutive hours the maximum time on duty, unless the employee has had at least 10 consecutive hours off duty during the previous 24 hours.

Prohibits a signal employee from being allowed to go on duty under certain emergency authority to conduct routine

repairs, routine maintenance, or routine inspection of signal systems.

Prohibits a railroad from communicating with a train or signal employee during time off duty, except to notify the employee of an emergency situation.

Authorizes a railroad and its directly affected employees to develop jointly, and submit for the Secretary's approval, an alternate hours of service regime that would increase the maximum hours an employee may be allowed to remain on duty or decrease the minimum hours an employee may be required to rest.

Authorizes the Secretary to issue regulations that make certain additional changes to hours of service requirements in order to improve safety and reduce employee fatigue.

Directs the Secretary to conduct at least two pilot projects to analyze specific practices which may be used to reduce fatigue for train, engine, and other railroad employees.

(Sec. 107) Prohibits the Secretary from disclosing to the public any information obtained as part of a railroad's risk reduction program or pilot program, except to enforce or carry out federal law.

Title II: Highway-Rail Grade Crossing and Pedestrian Safety and Trespasser Prevention - (Sec. 201) Requires the Secretary to issue guidance to passenger railroads on methods and strategies to prevent pedestrian accidents, injuries, and fatalities at or near passenger stations.

(Sec. 202) Directs the Secretary annually to: (1) identify the 10 states receiving federal funds for highway-rail grade crossing safety projects that have had the most highway-rail grade crossing collisions in the preceding year; and (2) require them, as a condition for receiving future federal funds, to develop a state grade crossing action plan approved by the Secretary that identifies specific solutions for improving the safety at highway-rail grade crossings.

(Sec. 203) Amends federal transportation law to direct the Secretary to prescribe regulations to require each railroad carrier to remove from its active rights-of-way at all public highway-rail grade crossings, including at all private highway-rail grade crossings open to unrestricted public access, any vegetation which may obstruct the view of a pedestrian or a vehicle operator of a train's approach.

(Sec. 204) Directs the Secretary to issue regulations for establishment of a national crossing inventory that requires each railroad carrier and state to report to the Secretary current information about previously unreported highway-rail grade crossings, with annual updates on all grade crossings in the state concerned. Establishes civil penalties for violation of such requirements by a railroad carrier.

(Sec. 205) Replaces the expired pilot demonstration program for emergency notification of grade crossing problems with a permanent system.

Directs the Secretary to require each railroad carrier to: (1) establish a telephone service (which the Secretary may also require to be a dedicated toll-free telephone) to receive directly calls reporting malfunctions of signals, disabled vehicles blocking railroad tracks at grade crossings, obstructions to the view of a train's approach, or other related safety information; (2) warn any trains operating near the grade crossing immediately upon receiving such a report, and contact appropriate public safety officials to direct traffic and remove any disabled vehicle; (3) timely investigate any report of a view obstruction and remove it if possible, or correct any other reported unsafe circumstance; and (4) ensure placement of the telephone number and certain other explanatory information on signs at each grade crossing.

(Sec. 206) Directs the FRA to make grants to Operation Lifesaver to: (1) carry out a public information and education program to help prevent and reduce railroad incidents, injuries, and fatalities, and to improve awareness along railroad rights-of-way and at highway-rail grade crossings; and (2) implement a pilot Railroad Safety Public Awareness Program addressing the need for targeted and sustained community outreach on rail and grade crossing safety. Authorizes appropriations for FY2008-FY2013.

(Sec. 207) Directs the Secretary to: (1) review current local, state, and federal laws regarding trespassing and vandalism on railroad property and violations of highway-rail grade crossing warning signs; and (2) 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 warning signs.

Authorizes the Secretary to purchase items of nominal value and distribute them to the public without charge as part of an educational or awareness program to improve the safety of highway-rail crossings and prevent trespass on railroad rights-of-way.

(Sec. 208) Authorizes railroad carriers to submit for the Secretary's approval new technology providing warning to highway users at highway-rail grade crossings. Preempts state law concerning the adequacy of technology approved by the Secretary. Provides that a carrier shall not be liable for damages to persons or property as a result of an accident at a grade crossing that is protected by approved technology.

Title III: Federal Railroad Administration - (Sec. 301) Requires the Secretary to increase gradually the number of rail safety-related employees at the FRA by 200 between FY2008-FY2013.

(Sec. 302) Increases penalties for violations of rail safety regulations prescribed or orders issued by the Secretary, including violations related to rail accident reporting and hours-of-service.

(Sec. 303) Requires the Secretary annually to make publicly available, and publish on the FRA public website, a report of all railroad enforcement actions taken by the Secretary or the FRA during the prior fiscal year.

(Sec. 304) Expands the Secretary's authority to issue an order, after providing notice and an opportunity for a hearing, prohibiting an individual from performing safety-sensitive functions in the railroad industry due to violating hazardous materials transportation laws.

(Sec. 305) Allows the Secretary to authorize officers, employees, or agents to intercept and record a radio communication, with or without the consent of the sender or other receivers of the communication, where such communication is broadcast or transmitted over a radio frequency which is authorized for use by one or more railroad carriers by the Federal Communications Commission (FCC) and primarily used by such railroad carriers for communications in connection with railroad operations. Allows such activities for purposes of accident prevention and accident investigation. Sets forth uses of information obtained through such activities.

(Sec. 306) Requires the Secretary to prescribe procedures with respect to requests for waivers of regulations or orders issued in emergency situations. Authorizes the Secretary to prescribe temporary emergency waiver procedures without first providing an opportunity for public comment. Requires the Secretary to provide notice and an opportunity for a hearing after issuing an emergency waiver.

(Sec. 307) Authorizes the FRA Administrator and designated employees to have access to federal and state criminal history and other law enforcement records to protect the safety and security of railroad operations.

(Sec. 308) Requires the Secretary to update the FRA website to: (1) help the public find current information regarding FRA activities; and (2) provide a mechanism for the public to report to the FRA potential violations of federal railroad safety and hazardous materials transportation laws and orders.

Title IV: Railroad Safety Enhancements - (Sec. 401) Directs the Secretary to issue regulations to require railroad carriers and railroad contractors and subcontractors to develop for the Secretary's approval plans for training certain crafts or classes of employees on relevant federal railroad safety laws and regulations.

(Sec. 402) Directs the Secretary to report to specified congressional committees about whether the certification of certain crafts or classes of railroad carrier or railroad carrier contractor or subcontractor employees is necessary to reduce the number and rate of railroad accidents or to improve railroad safety.

(Sec. 403) Requires the Secretary to: (1) study whether the required intervals of track inspections for each class of track and track remedial action requirements should be amended, and whether different track inspection and repair priorities or methods should be required; and (2) issue and implement recommendations for changes to federal track safety standards based on the results of the study.

(Sec. 404) Requires the Secretary to study methods to improve the safety of rail passenger station platform gaps to comply with the Americans with Disabilities Act, and to minimize the associated safety risks of such gaps for railroad passengers and employees.

(Sec. 405) Directs the Secretary to study and report to specified congressional committees on the safety impact of the use of personal electronic devices, including cell phones, video games, and other distracting devices, by safety-related railroad employees during work. Authorizes the Secretary to study other elements of the locomotive cab environment and their effect on an employee's health and safety.

Authorizes the Secretary, based on the conclusions of the studies, to: (1) prohibit the use of such devices during work, unless they are being used in accordance with railroad operating rules; and (2) issue regulations to improve elements of the cab environment to protect an employee's health and safety.

(Sec. 406) Requires the Secretary to establish: (1) a railroad safety technology grants program; and (2) a railroad safety infrastructure improvement grants program. Authorizes appropriations for FY2008-FY2013.

(Sec. 408) Authorizes the Secretary to impose additional conditions for the movement of a defective or insecure locomotive or car to make repairs while on a railroad line.

(Sec. 409) Requires the Secretary to issue standards governing the development and use of rail safety technology in dark territory (any territory in a railroad system that does not have a signal or train control system installed or operational).

(Sec. 410) Revises rail employee sleeping quarters requirements to require a railroad carrier that provides sleeping quarters for its employees to provide indoor toilet facilities, potable water, and other features to protect their health.

Requires the Secretary to issue regulations that: (1) govern the use of camp cars for employees and any individuals employed to maintain a railroad carrier's right of way; and (2) may prohibit the use of such cars, if necessary, to protect the health and safety of employees.

(Sec. 411) Adds as an act of a railroad employee protected from employer retaliation the employee's: (1) request that a

railroad carrier provide first aid, medical treatment, or transportation to a medical facility or hospital after being injured during the course of employment; or (2) compliance with treatment prescribed by a physician or licensed health care professional consistent with the carrier's medical standards for fitness for duty.

(Sec. 412) Authorizes the Secretary, upon petition by a group of commonly controlled railroad carriers operating within the United States as a single, integrated rail system, to treat such group as a single railroad carrier for railroad safety purposes.

(Sec. 413) Requires the Secretary to study and report to Congress on the impacts of repealing a provision of the Regional Rail Reorganization Act of 1973 which preempts state laws from requiring certain crew requirements in the former region of the Consolidated Rail Corporation (Conrail).

(Sec. 414) Requires any nonfederal alcohol and drug testing program of a railroad carrier to provide that all post-employment tests of the specimens of employees performed under the program be conducted using a scientifically recognized method of testing capable of determining the presence of the specific analyte at a level above the cutoff level established by the carrier.

Requires each railroad carrier that has such a testing program to provide a redress process for its employees who were determined to be in violation of the program.

(Sec. 415) Directs the Secretary to require each Class I railroad, and any other railroad that the Secretary determines appropriate, to: (1) develop, and submit for the Secretary's approval, a critical incident stress plan that provides for debriefing, counseling, guidance, and other appropriate support services to be offered to an employee affected by a critical incident; (2) allow for the immediate relief from duty of any employee involved in a critical incident; (3) relieve a requesting employee who witnessed a critical incident of his or her duties as soon as feasible.

Title V: Rail Passenger Disaster Family Assistance - (Sec. 501) Directs the National Transportation Safety Board (NTSB), as soon as practicable after being notified of a rail passenger accident resulting in major loss of life, to provide certain assistance to families of passengers involved in the accident.

(Sec. 502) Requires a rail passenger carrier to submit to the NTSB, the Secretary, and the Secretary of Homeland Security a plan for addressing the needs of families of passengers involved in an accident of a rail passenger carrier intercity train resulting in major loss of life. Provides for funding for FY2008.

(Sec. 503) Requires the Secretary to establish a task force to develop a model plan and recommendations on how passenger rail carriers can provide assistance and notification to families of passengers involved in rail accidents.

Title VI: Clarification of Federal Jurisdiction Over Solid Waste Facilities - Clean Railroads Act of 2007 - (Sec. 602) Amends the Solid Waste Disposal Act to permit a state to enforce state solid waste environmental laws at a solid waste rail transfer facility.

Requires a solid waste rail transfer facility, within 180 days after the enactment of this Act, to comply with all state solid waste environmental laws (except those requiring permits).

Provides that such facilities shall not be required to possess a permit from a solid waste facility permitting agency as complying with state solid waste environmental laws: (1) if within one year after enactment of this Act the railroad carrier that operates such facility has applied, in good faith, for all required permits; and (2) until the permitting agency has either approved or denied the permit application.

(Sec. 603) Amends federal transportation law to exempt solid waste rail transfer facilities from the jurisdiction of the Surface Transportation Board (effectively allowing state and local authorities to regulate such facilities).

Actions Timeline

- **Mar 3, 2008:** Committee on Commerce, Science, and Transportation. Reported by Senator Inouye with an amendment in the nature of a substitute. With written report No. 110-270.
- **Mar 3, 2008:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 590.
- **Sep 27, 2007:** Committee on Commerce, Science, and Transportation. Ordered to be reported with an amendment in the nature of a substitute favorably.
- **Jul 26, 2007:** Introduced in Senate
- **Jul 26, 2007:** Read twice and referred to the Committee on Commerce, Science, and Transportation.