

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4630

To amend title 23, United States Code, to improve safety at rail-highway grade crossings and railroad rights-of-way, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 22, 1994

Mr. MINETA (by request) introduced the following bill; which was referred to the Committee on Public Works and Transportation

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## A BILL

To amend title 23, United States Code, to improve safety at rail-highway grade crossings and railroad rights-of-way, 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,*

3        **SECTION 1. SHORT TITLE.**

4        This Act may be cited as the “Rail-Highway Grade  
5        Crossing Safety Act of 1994”.

6        **SEC. 2. FINDINGS.**

7        Congress finds that—

8                (1) there are approximately 170,000 public and  
9                110,000 private at-grade rail-highway crossings in  
10                the United States;

1           (2) during 1993, there were nearly 4,900 acci-  
2 dents at these crossings;

3           (3) it is necessary to improve safety at our Na-  
4 tion's rail-highway crossings and along rail rights-of-  
5 way;

6           (4) there are insufficient public funds to pro-  
7 vide for the installation of warning systems that are  
8 automatically activated by approaching trains at all  
9 public crossings;

10          (5) many of the Nation's public rail-highway  
11 crossings are unnecessary and should be closed;

12          (6) rail-highway crossing consolidation will re-  
13 duce the potential for rail-highway crossing collisions  
14 and will allow States to concentrate on improving  
15 safety at the remaining crossings;

16          (7) incentives are needed to encourage State  
17 and local governments to increase the consolidation  
18 of rail-highway crossings; and

19          (8) increased funding must be provided to edu-  
20 cate motorists in their responsibilities at crossings in  
21 order to realize the full benefits from the public in-  
22 vestment in rail-highway crossing warning systems.

1 **SEC. 3. RAIL-HIGHWAY GRADE CROSSING CLOSING PRO-**  
2 **GRAM.**

3 (a) INCREASED FEDERAL SHARE.—Section 120(c) of  
4 title 23, United States Code, is amended by inserting  
5 “rail-highway crossing closures,” after “vanpooling.”

6 (b) INCENTIVE FUNDS; BENEFITS AND COSTS ANAL-  
7 YSES.—Section 130 of title 23, United States Code, is  
8 amended by redesignating subsection (h) as subsection (j)  
9 and inserting after subsection (g) the following:

10 “(h) INCENTIVE FUNDS FOR CLOSING CROSSINGS.—

11 “(1) IN GENERAL.—Subject to paragraph (2),  
12 any State, after adopting a policy requiring the re-  
13 view of the need for all new public at-grade rail-  
14 highway crossings, may, in its discretion, use the  
15 funds authorized under this section to provide an in-  
16 centive payment to a local jurisdiction upon the per-  
17 manent closing by the jurisdiction of a public at-  
18 grade crossing.

19 “(2) CONDITIONS.—The incentive payments au-  
20 thorized by paragraph (1) of this subsection may be  
21 in amounts of not to exceed \$7,500: *Provided*, That  
22 the funds are matched by an equal payment from  
23 the railroad owning the tracks on which the crossing  
24 is located.

25 “(3) USE OF FUNDS.—The local jurisdiction re-  
26 ceiving funds under this subsection shall use the

1 Federal funds portion of the incentive payment for  
2 transportation safety improvements only.

3 “(i) PUBLIC BENEFITS AND COSTS ANALYSES.—Not  
4 later than 18 months after the date of the enactment of  
5 this subsection, the Secretary shall establish guidelines to  
6 enable States to determine the public benefits and costs  
7 resulting from any new rail-highway grade crossings.”.

8 **SEC. 4. OPERATION LIFESAVER.**

9 Section 104(d)(1) of title 23, United States Code, is  
10 amended to read as follows:

11 “(1) OPERATION LIFESAVER.—Before making  
12 an apportionment of funds under subsection (b)(3)  
13 for a fiscal year, the Secretary shall set aside  
14 \$500,000 of the funds authorized to be appropriated  
15 for the surface transportation program for such fis-  
16 cal year for carrying out a public information and  
17 education program to help prevent and reduce motor  
18 vehicle accidents, injuries, and fatalities, to improve  
19 driver performance at railway-highway crossings,  
20 and to help prevent trespassing on rail rights-of-way  
21 and the resulting injuries and fatalities. Expenditure  
22 of any funds in excess of \$300,000 shall be contin-  
23 gent upon receipt of matching funds from nonpublic  
24 sources.”.

1 **SEC. 5. GRADE CROSSING CORRIDOR SAFETY INCENTIVE**  
2 **PROGRAM.**

3 (a) FUNDING OF PROGRAM.—Section 104(d) of title  
4 23, United States Code, is amended by adding at the end  
5 the following:

6 “(4) GRADE CROSSING CORRIDOR SAFETY IN-  
7 CENTIVE PROGRAM.—Before making an apportion-  
8 ment of funds under subsection (b)(3) for a fiscal  
9 year, the Secretary shall set aside \$15,000,000 of  
10 the funds authorized to be appropriated for the sur-  
11 face transportation program for such fiscal year to  
12 carry out a program to provide a financial incentive  
13 to States that review and implement grade crossing  
14 safety improvements on a corridor basis in accord-  
15 ance with section 130(k).”.

16 (b) ESTABLISHMENT OF PROGRAM.—Section 130 of  
17 title 23, United States Code, is amended by adding at the  
18 end the following:

19 “(k) GRADE CROSSING CORRIDOR SAFETY INCEN-  
20 TIVE PROGRAM.—

21 “(1) IN GENERAL.—The Secretary shall carry  
22 out a program to provide an additional financial in-  
23 centive to States that review and implement grade  
24 crossing safety improvements on a corridor basis.  
25 Such financial incentive would be in addition to

1 those funds available in accordance with the preced-  
2 ing subsections.

3 “(2) PROJECT APPROVAL.—Funds authorized  
4 to be appropriated to carry out this subsection shall  
5 be available for obligation at the discretion of the  
6 Secretary. The Secretary shall issue investment cri-  
7 teria for approving projects under this section.

8 “(3) APPLICABILITY OF OTHER PROVISIONS.—  
9 All provisions of this chapter, other than provisions  
10 relating to apportionment formulas and Federal  
11 share, shall apply to funds made available to carry  
12 out this subsection, except as determined by the Sec-  
13 retary to be inconsistent with this subsection. Funds  
14 authorized to be appropriated to carry out this sec-  
15 tion shall remain available until expended.”.

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