

In the House of Representatives, U. S.,

October 7 (legislative day, October 6), 1994.

Resolved, That the House agree to the amendments of the Senate to the bill (H.R. 4867) entitled “An Act to authorize appropriations for high-speed rail transportation, and for other purposes”, with the following

AMENDMENT :

In lieu of the matter proposed to be inserted to the text, insert:

1 ***TITLE I—HIGH-SPEED RAIL***

2 ***SEC. 101. SHORT TITLE.***

3 *This title may be cited as the “Swift Rail Development*
4 *Act of 1994”.*

5 ***SEC. 102. FINDINGS; PURPOSE.***

6 *(a) FINDINGS.—The Congress finds that—*

7 *(1) high-speed rail offers safe and efficient trans-*
8 *portation in certain densely traveled corridors linking*
9 *major metropolitan areas in the United States;*

10 *(2) high-speed rail may have environmental ad-*
11 *vantages over certain other forms of intercity trans-*
12 *portation;*

13 *(3) Amtrak’s Metroliner service between Wash-*
14 *ington, District of Columbia, and New York, New*
15 *York, the United States premier high-speed rail serv-*

1 *ice, has shown that Americans will use high-speed*
2 *rail when that transportation option is available;*

3 *(4) new high-speed rail service should not receive*
4 *Federal subsidies for operating and maintenance ex-*
5 *penses;*

6 *(5) State and local governments should take the*
7 *prime responsibility for the development and imple-*
8 *mentation of high-speed rail service;*

9 *(6) the private sector should participate in fund-*
10 *ing the development of high-speed rail systems;*

11 *(7) in some intercity corridors, Federal planning*
12 *assistance may be required to supplement the funding*
13 *commitments of State and local governments and the*
14 *private sector to ensure the adequate planning, in-*
15 *cluding reasonable estimates of the costs and benefits,*
16 *of high-speed rail systems;*

17 *(8) improvement of existing technologies can fa-*
18 *cilitate the development of high-speed rail systems in*
19 *the United States; and*

20 *(9) Federal assistance is required for the im-*
21 *provement, adaptation, and integration of proven*
22 *technologies for commercial application in high-speed*
23 *rail service in the United States.*

24 *(b) PURPOSE.—The purpose of this title is to encour-*
25 *age farsighted State, local, and private efforts in the analy-*

1 *sis and planning for high-speed rail systems in appropriate*
 2 *intercity corridors.*

3 **SEC. 103. NATIONAL HIGH-SPEED RAIL ASSISTANCE PRO-**
 4 **GRAM.**

5 *(a) AMENDMENTS.—(1) Part D of subtitle V of title*
 6 *49, United States Code, is redesignated as part E, chapter*
 7 *261 of such title is redesignated as chapter 281, and sections*
 8 *26101 and 26102 of such title are redesignated as sections*
 9 *28101 and 28102.*

10 *(2) Subtitle V of title 49, United States Code, is*
 11 *amended by inserting after part C the following new part:*

12 *“PART D—HIGH-SPEED RAIL*

13 **“CHAPTER 261—HIGH-SPEED RAIL**
 14 **ASSISTANCE**

“Sec.

“26101. Corridor planning.

“26102. High-speed rail technology improvements.

“26103. Safety regulations.

“26104. Authorization of appropriations.

“26105. Definitions.

15 **“§ 26101. Corridor planning**

16 *“(a) CORRIDOR PLANNING ASSISTANCE.—(1) The Sec-*
 17 *retary may provide under this section financial assistance*
 18 *to a public agency or group of public agencies for corridor*
 19 *planning for up to 50 percent of the publicly financed costs*
 20 *associated with eligible activities.*

21 *“(2) No less than 20 percent of the publicly financed*
 22 *costs associated with eligible activities shall come from*

1 *State and local sources, which State and local sources may*
2 *not include funds from any Federal program.*

3 “(b) *ELIGIBLE ACTIVITIES.—(1) A corridor planning*
4 *activity is eligible for financial assistance under subsection*
5 *(a) if the Secretary determines that it is necessary to estab-*
6 *lish appropriate engineering, operational, financial, envi-*
7 *ronmental, or socioeconomic projections for the establish-*
8 *ment of high-speed rail service in the corridor and that it*
9 *leads toward development of a prudent financial and insti-*
10 *tutional plan for implementation of specific high-speed rail*
11 *improvements. Eligible corridor planning activities in-*
12 *clude—*

13 “(A) *environmental assessments;*

14 “(B) *feasibility studies emphasizing commercial*
15 *technology improvements or applications;*

16 “(C) *economic analyses, including ridership, rev-*
17 *enue, and operating expense forecasting;*

18 “(D) *assessing the impact on rail employment of*
19 *developing high-speed rail corridors;*

20 “(E) *assessing community economic impacts;*

21 “(F) *coordination with State and metropolitan*
22 *area transportation planning and corridor planning*
23 *with other States;*

24 “(G) *operational planning;*

1 “(H) route selection analyses and purchase of
2 rights-of-way for proposed high-speed rail service;

3 “(I) preliminary engineering and design;

4 “(J) identification of specific improvements to a
5 corridor, including electrification, line straightening
6 and other right-of-way improvements, bridge rehabili-
7 tation and replacement, use of advanced locomotives
8 and rolling stock, ticketing, coordination with other
9 modes of transportation, parking and other means of
10 passenger access, track, signal, station, and other cap-
11 ital work, and use of intermodal terminals;

12 “(K) preparation of financing plans and
13 prospectuses; and

14 “(L) creation of public/private partnerships.

15 “(2) No financial assistance shall be provided under
16 this section for corridor planning with respect to the main
17 line of the Northeast Corridor, between Washington, District
18 of Columbia, and Boston, Massachusetts.

19 “(c) CRITERIA FOR DETERMINING FINANCIAL ASSIST-
20 ANCE.—Selection by the Secretary of recipients of financial
21 assistance under this section shall be based on such criteria
22 as the Secretary considers appropriate, including—

23 “(1) the relationship of the corridor to the Sec-
24 retary’s national high-speed ground transportation
25 policy;

1 “(2) the extent to which the proposed planning
2 focuses on systems which will achieve sustained speeds
3 of 125 mph or greater;

4 “(3) the integration of the corridor into metro-
5 politan area and statewide transportation planning;

6 “(4) the potential interconnection of the corridor
7 with other parts of the Nation’s transportation sys-
8 tem, including the interconnection with other coun-
9 tries;

10 “(5) the anticipated effect of the corridor on the
11 congestion of other modes of transportation;

12 “(6) whether the work to be funded will aid the
13 efforts of State and local governments to comply with
14 the Clean Air Act (42 U.S.C. 7401 et seq.);

15 “(7) the past and proposed financial commit-
16 ments and other support of State and local govern-
17 ments and the private sector to the proposed high-
18 speed rail program, including the acquisition of roll-
19 ing stock;

20 “(8) the estimated level of ridership;

21 “(9) the estimated capital cost of corridor im-
22 provements, including the cost of closing, improving,
23 or separating highway-rail grade crossings;

24 “(10) rail transportation employment impacts;

25 “(11) community economic impacts;

1 “(12) the extent to which the projected revenues
2 of the proposed high-speed rail service, along with
3 any financial commitments of State or local govern-
4 ments and the private sector, are expected to cover
5 capital costs and operating and maintenance ex-
6 penses;

7 “(13) whether a specific route has been selected,
8 specific improvements identified, and capacity studies
9 completed; and

10 “(14) whether the corridor has been designated
11 as a high-speed rail corridor by the Secretary.

12 **“§ 26102. High-speed rail technology improvements**

13 “(a) *AUTHORITY.*—The Secretary may undertake ac-
14 tivities for the improvement, adaptation, and integration
15 of proven technologies for commercial application in high-
16 speed rail service in the United States.

17 “(b) *ELIGIBLE RECIPIENTS.*—In carrying out activi-
18 ties authorized by subsection (a), the Secretary may provide
19 financial assistance to any United States private business,
20 educational institution located in the United States, State
21 or local government or public authority, or agency of the
22 Federal Government.

23 “(c) *CONSULTATION WITH OTHER AGENCIES.*—In
24 carrying out activities authorized by subsection (a), the Sec-
25 retary shall consult with such other governmental agencies

1 *as may be necessary concerning the availability of appro-*
2 *priate technologies for commercial application in high-*
3 *speed rail service in the United States.*

4 **“§ 26103. Safety regulations**

5 *“The Secretary shall promulgate such safety regula-*
6 *tions as may be necessary for high-speed rail services.*

7 **“§ 26104. Authorization of appropriations**

8 *“(a) FISCAL YEAR 1995.—There are authorized to be*
9 *appropriated to the Secretary \$29,000,000 for fiscal year*
10 *1995, for carrying out sections 26101 and 26102 (including*
11 *payment of administrative expenses related thereto).*

12 *“(b) FISCAL YEAR 1996.—(1) There are authorized to*
13 *be appropriated to the Secretary \$40,000,000 for fiscal year*
14 *1996, for carrying out section 26101 (including payment*
15 *of administrative expenses related thereto).*

16 *“(2) There are authorized to be appropriated to the*
17 *Secretary \$30,000,000 for fiscal year 1996, for carrying out*
18 *section 26102 (including payment of administrative ex-*
19 *penses related thereto).*

20 *“(c) FISCAL YEAR 1997.—(1) There are authorized to*
21 *be appropriated to the Secretary \$45,000,000 for fiscal year*
22 *1997, for carrying out section 26101 (including payment*
23 *of administrative expenses related thereto).*

24 *“(2) There are authorized to be appropriated to the*
25 *Secretary \$40,000,000 for fiscal year 1997, for carrying out*

1 *section 26102 (including payment of administrative ex-*
2 *penses related thereto).*

3 “(d) *FUNDS TO REMAIN AVAILABLE.—Funds made*
4 *available under this section shall remain available until ex-*
5 *pended.*

6 **“§ 26105. Definitions**

7 “*For purposes of this chapter—*

8 “(1) *the term ‘financial assistance’ includes*
9 *grants, contracts, and cooperative agreements;*

10 “(2) *the term ‘high-speed rail’ has the meaning*
11 *given such term under section 511(n) of the Railroad*
12 *Revitalization and Regulatory Reform Act of 1976;*

13 “(3) *the term ‘publicly financed costs’ means the*
14 *costs funded after April 29, 1993, by Federal, State,*
15 *and local governments;*

16 “(4) *the term ‘Secretary’ means the Secretary of*
17 *Transportation;*

18 “(5) *the term ‘State’ means any of the several*
19 *States, the District of Columbia, Puerto Rico, the*
20 *Northern Mariana Islands, the Virgin Islands, Guam,*
21 *American Samoa, and any other territory or posses-*
22 *sion of the United States; and*

23 “(6) *the term ‘United States private business’*
24 *means a business entity organized under the laws of*

1 *the United States, or of a State, and conducting sub-*
 2 *stantial business operations in the United States.”.*

3 (b) *CONFORMING AMENDMENTS.—(1) The table of*
 4 *chapters of subtitle V of title 49, United States Code, is*
 5 *amended by striking the items relating to part D and in-*
 6 *serting in lieu thereof the following:*

“PART D—HIGH-SPEED RAIL

“261. HIGH-SPEED RAIL ASSISTANCE 26101

“PART E—MISCELLANEOUS

“281. LAW ENFORCEMENT 28101”.

7 (2) *The table of sections of chapter 281 of title 49,*
 8 *United States Code, as such chapter is redesignated by sub-*
 9 *section (a)(1) of this section, is amended—*

10 (A) *by striking “26101” and inserting in lieu*
 11 *thereof “28101”; and*

12 (B) *by striking “26102” and inserting in lieu*
 13 *thereof “28102”.*

14 **SEC. 104. COLUMBUS AND GREENVILLE RAILWAY.**

15 (a) *REDEMPTION OF OUTSTANDING OBLIGATIONS AND*
 16 *LIABILITIES.—Notwithstanding any other provision of law,*
 17 *the Secretary of Transportation, or the Secretary of the*
 18 *Treasury, if a holder of any of the obligations, shall allow*
 19 *the Delta Transportation Company, doing business as the*
 20 *Columbus and Greenville Railway, to redeem the obliga-*
 21 *tions and liabilities of such company which remain out-*
 22 *standing under sections 505 and 511 of the Railroad Revi-*

1 *talization and Regulatory Reform Act of 1976 (45 U.S.C.*
2 *825 and 831, respectively).*

3 (b) *VALUE.*—*For purposes of subsection (a), the value*
4 *of each of the obligations and liabilities shall be an amount*
5 *equal to the value established under the Federal Credit Re-*
6 *form Act of 1990 (2 U.S.C. 661 et seq.).*

7 **TITLE II—RAIL SAFETY**

8 **SEC. 201. SHORT TITLE.**

9 *This title may be cited as the “Federal Railroad Safety*
10 *Authorization Act of 1994”.*

11 **SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

12 *Section 20117(a)(1) of title 49, United States Code,*
13 *is amended by adding after subparagraph (B) the following*
14 *new subparagraphs:*

15 *“(C) \$68,289,000 for fiscal year 1995.*

16 *“(D) \$75,112,000 for fiscal year 1996.*

17 *“(E) \$82,563,000 for fiscal year 1997.*

18 *“(F) \$90,739,000 for fiscal year 1998.”.*

19 **SEC. 203. HOURS OF SERVICE PILOT PROJECTS.**

20 (a) *AMENDMENT.*—*Chapter 211 of title 49, United*
21 *States Code, is amended by adding at the end the following*
22 *new section:*

23 **“§ 21108. Pilot projects**

24 *“(a) WAIVER.*—*A railroad carrier or railroad carriers*
25 *and all labor organizations representing any class or craft*

1 *of directly affected covered service employees of the railroad*
2 *carrier or railroad carriers, may jointly petition the Sec-*
3 *retary of Transportation for approval of a waiver, in whole*
4 *or in part, of compliance with this chapter, to enable the*
5 *establishment of one or more pilot projects to demonstrate*
6 *the possible benefits of implementing alternatives to the*
7 *strict application of the requirements of this chapter to such*
8 *class or craft of employees, including requirements concern-*
9 *ing maximum on-duty and minimum off-duty periods.*
10 *Based on such a joint petition, the Secretary may, after*
11 *notice and opportunity for comment, waive in whole or in*
12 *part compliance with this chapter for a period of no more*
13 *than two years, if the Secretary determines that such waiver*
14 *of compliance is in the public interest and is consistent with*
15 *railroad safety. Any such waiver may, based on a new peti-*
16 *tion, be extended for additional periods of up to two years,*
17 *after notice and opportunity for comment. An explanation*
18 *of any waiver granted under this section shall be published*
19 *in the Federal Register.*

20 “(b) *REPORT.*—*The Secretary of Transportation shall*
21 *submit to Congress, no later than January 1, 1997, a report*
22 *that—*

23 “(1) *explains and analyzes the effectiveness of all*
24 *pilot projects established pursuant to a waiver grant-*
25 *ed under subsection (a);*

1 of the Department of Transportation Act, as in effect on
2 June 1, 1994, or” after “individual’s violation of”.

3 **SEC. 206. BIENNIAL FEDERAL RAILROAD SAFETY REPORT-**
4 **ING.**

5 (a) Section 20116 of title 49, United States Code, is
6 amended—

7 (1) by striking in its heading “**Annual**” and
8 inserting in lieu thereof “**Biennial**”;

9 (2) by striking “not later than July 1 of each
10 year a report on carrying out this chapter for the
11 prior calendar year. The report shall include the fol-
12 lowing information about the prior year” and insert-
13 ing in lieu thereof “every two years, on or before July
14 1 of the year due, a comprehensive report on the ad-
15 ministration of this chapter for the preceding two cal-
16 endar years. The report shall include the following in-
17 formation about such calendar years”; and

18 (3) in paragraph (1), by inserting “; by calendar
19 year” after “casualties by cause”.

20 (b) The item relating to section 20116 in the table of
21 sections for chapter 201 of title 49, United States Code, is
22 amended to read as follows:

“20116. Biennial report.”.

1 **SEC. 207. REPORT ON BRIDGE DISPLACEMENT DETECTION**
2 **SYSTEMS.**

3 (a) *AMENDMENT.*—Subchapter II of chapter 201 of
4 title 49, United States Code, is amended by adding at the
5 end the following new section:

6 **“§20145. Report on bridge displacement detection sys-**
7 **tems**

8 “Not later than 18 months after the date of enactment
9 of the Federal Railroad Safety Authorization Act of 1994,
10 the Secretary of Transportation shall transmit to the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate and the Committee on Energy and Commerce of the
13 House of Representatives a report concerning any action
14 that has been taken by the Secretary on railroad bridge dis-
15 placement detection systems.”.

16 (b) *TABLE OF SECTIONS AMENDMENT.*—The table of
17 sections for subchapter II of chapter 201 of title 49, United
18 States Code, is amended by adding at the end the following
19 new item:

“20145. Report on bridge displacement detection systems.”.

20 **SEC. 208. TRACK SAFETY.**

21 Section 20142 of title 49, United States Code, is
22 amended—

23 (1) in subsection (b), by striking “September 3,
24 1994” and inserting in lieu thereof “September 1,
25 1995”;

1 (2) in subsection (a)(1), by inserting “, includ-
2 ing cold weather installation procedures” after “at-
3 tendant structure”; and

4 (3) by adding at the end the following new sub-
5 section:

6 “(d) IDENTIFICATION OF INTERNAL RAIL DEFECTS.—
7 In carrying out subsections (a) and (b), the Secretary shall
8 consider whether or not to prescribe regulations and issue
9 orders concerning—

10 “(1) inspection procedures to identify internal
11 rail defects, before they reach imminent failure size,
12 in rail that has significant shelling; and

13 “(2) any specific actions that should be taken
14 when a rail surface condition, such as shelling, pre-
15 vents the identification of internal defects.”.

16 **SEC. 209. RESIDENCE OF EMPLOYEES.**

17 The amendments made by section 7 of the Amtrak Re-
18 authorization and Improvement Act of 1990 shall apply to
19 all periods before and after the date of their enactment.

20 **SEC. 210. INSTITUTE FOR RAILROAD SAFETY.**

21 (a) AMENDMENT.—Subchapter II of chapter 201 of
22 title 49, United States Code, is amended by adding at the
23 end the following new section:

1 **“§ 20146. Institute for Railroad Safety**

2 *“The Secretary of Transportation, in conjunction with*
3 *a university or college having expertise in transportation*
4 *safety, shall establish, within one year after the date of en-*
5 *actment of the Federal Railroad Safety Authorization Act*
6 *of 1994, an Institute for Railroad Safety. The Institute*
7 *shall research, develop, fund, and test measures for reducing*
8 *the number of fatalities and injuries relevant to railroad*
9 *operations. There are authorized to be appropriated to the*
10 *Secretary \$1,000,000 for each of the fiscal years 1996*
11 *through 2000 to fund activities carried out under this sec-*
12 *tion by the Institute, which shall report at least once each*
13 *year on its use of such funds in carrying out such activities*
14 *and the results thereof to the Secretary of Transportation*
15 *and the Congress.”.*

16 **(b) TABLE OF SECTIONS AMENDMENT.**—*The table of*
17 *sections for subchapter II of chapter 201 of title 49, United*
18 *States Code, is amended by adding at the end the following*
19 *new item:*

“20146. Institute for Railroad Safety.”.

20 **SEC. 211. WARNING OF CIVIL LIABILITY.**

21 **(a) AMENDMENT.**—*Subchapter II of chapter 201 of*
22 *title 49, United States Code, is amended by adding at the*
23 *end the following new section:*

1 **“§ 20147. Warning of civil liability**

2 *“The Secretary of Transportation shall encourage rail-*
3 *road carriers to warn the public about potential liability*
4 *for violation of regulations related to vandalism of railroad*
5 *signs, devices, and equipment and to trespassing on rail-*
6 *road property.”.*

7 (b) *TABLE OF SECTIONS AMENDMENT.—The table of*
8 *sections for subchapter II of chapter 201 of title 49, United*
9 *States Code, is amended by adding at the end the following*
10 *new item:*

“20147. Warning of civil liability.”.

11 **SEC. 212. RAILROAD CAR VISIBILITY.**

12 (a) *AMENDMENT.—Subchapter II of chapter 201 of*
13 *title 49, United States Code, is amended by adding at the*
14 *end the following new section:*

15 **“§ 20148. Railroad car visibility**

16 “(a) *REVIEW OF RULES.—The Secretary of Transpor-*
17 *tation shall conduct a review of the Department of Trans-*
18 *portation’s rules with respect to railroad car visibility. As*
19 *part of this review, the Secretary shall collect relevant data*
20 *from operational experience by railroads having enhanced*
21 *visibility measures in service.*

22 “(b) *REGULATIONS.—If the review conducted under*
23 *subsection (a) establishes that enhanced railroad car visi-*
24 *bility would likely improve safety in a cost-effective man-*
25 *ner, the Secretary shall initiate a rulemaking proceeding*

1 *to prescribe regulations requiring enhanced visibility stand-*
2 *ards for newly manufactured and remanufactured railroad*
3 *cars. In such proceeding the Secretary shall consider, at a*
4 *minimum—*

5 “(1) *visibility of railroad cars from the perspec-*
6 *tive of nonrailroad traffic;*

7 “(2) *whether certain railroad car paint colors*
8 *should be prohibited or required;*

9 “(3) *the use of reflective materials;*

10 “(4) *the visibility of lettering on railroad cars;*

11 “(5) *the effect of any enhanced visibility meas-*
12 *ures on the health and safety of train crew members;*

13 *and*

14 “(6) *the cost/benefit ratio of any new regulations.*

15 “(c) *EXCLUSIONS.—In prescribing regulations under*
16 *subsection (b), the Secretary may exclude from any specific*
17 *visibility requirement any category of trains or railroad op-*
18 *erations if the Secretary determines that such an exclusion*
19 *is in the public interest and is consistent with railroad safe-*
20 *ty.”.*

21 “(b) *TABLE OF SECTIONS AMENDMENT.—The table of*
22 *sections for subchapter II of chapter 201 of title 49, United*
23 *States Code, is amended by adding at the end the following*
24 *new item:*

“20148. Railroad car visibility.”.

1 **SEC. 213. COORDINATION WITH THE DEPARTMENT OF**
2 **LABOR.**

3 (a) *AMENDMENT.*—Subchapter II of chapter 201 of
4 title 49, United States Code, is amended by adding at the
5 end the following new section:

6 **“§20149. Coordination with the Department of Labor**

7 *“The Secretary of Transportation shall consult with*
8 *the Secretary of Labor on a regular basis to ensure that*
9 *all applicable laws affecting safe working conditions for*
10 *railroad employees are appropriately enforced to ensure a*
11 *safe and productive working environment for the railroad*
12 *industry.”.*

13 (b) *TABLE OF SECTIONS AMENDMENT.*—The table of
14 sections for subchapter II of chapter 201 of title 49, United
15 States Code, is amended by adding at the end the following
16 new item:

“20149. Coordination with the Department of Labor.”.

17 **SEC. 214. POSITIVE TRAIN CONTROL SYSTEM PROGRESS**
18 **REPORT.**

19 (a) *AMENDMENT.*—Subchapter II of chapter 201 of
20 title 49, United States Code, is amended by adding at the
21 end the following new section:

22 **“§20150. Positive train control system progress report**

23 *“The Secretary of Transportation shall submit a re-*
24 *port to the Congress on the development, deployment, and*

1 *demonstration of positive train control systems by Decem-*
2 *ber 31, 1995.”.*

3 (b) *TABLE OF SECTIONS AMENDMENT.*—*The table of*
4 *sections for subchapter II of chapter 201 of title 49, United*
5 *States Code, is amended by adding at the end the following*
6 *new item:*

“20150. Positive train control system progress report.”.

7 **SEC. 215. PASSENGER CAR SAFETY STANDARDS.**

8 (a) *AMENDMENT.*—*Section 20133 of title 49, United*
9 *States Code, is amended to read as follows:*

10 **“§ 20133. Passenger cars**

11 *“(a) MINIMUM STANDARDS.*—*The Secretary of Trans-*
12 *portation shall prescribe regulations establishing minimum*
13 *standards for the safety of cars used by railroad carriers*
14 *to transport passengers. Before prescribing such regulations,*
15 *the Secretary shall consider—*

16 *“(1) the crashworthiness of the cars;*

17 *“(2) interior features (including luggage re-*
18 *straints, seat belts, and exposed surfaces) that may af-*
19 *fect passenger safety;*

20 *“(3) maintenance and inspection of the cars;*

21 *“(4) emergency response procedures and equip-*
22 *ment; and*

23 *“(5) any operating rules and conditions that di-*
24 *rectly affect safety not otherwise governed by regula-*
25 *tions.*

1 *The Secretary may make applicable some or all of the*
2 *standards established under this subsection to cars existing*
3 *at the time the regulations are prescribed, as well as to new*
4 *cars, and the Secretary shall explain in the rulemaking doc-*
5 *ument the basis for making such standards applicable to*
6 *existing cars.*

7 “(b) *INITIAL AND FINAL REGULATIONS.—(1) The Sec-*
8 *retary shall prescribe initial regulations under subsection*
9 *(a) within 3 years after the date of enactment of the Federal*
10 *Railroad Safety Authorization Act of 1994. The initial reg-*
11 *ulations may exempt equipment used by tourist, historic,*
12 *scenic, and excursion railroad carriers to transport pas-*
13 *sengers.*

14 “(2) *The Secretary shall prescribe final regulations*
15 *under subsection (a) within 5 years after such date of enact-*
16 *ment.*

17 “(c) *PERSONNEL.—The Secretary may establish with-*
18 *in the Department of Transportation 2 additional full time*
19 *equivalent positions beyond the number permitted under ex-*
20 *isting law to assist with the drafting, prescribing, and im-*
21 *plementation of regulations under this section.*

22 “(d) *CONSULTATION.—In prescribing regulations, is-*
23 *suing orders, and making amendments under this section,*
24 *the Secretary may consult with Amtrak, public authorities*
25 *operating railroad passenger service, other railroad carriers*

1 *transporting passengers, organizations of passengers, and*
2 *organizations of employees. A consultation is not subject to*
3 *the Federal Advisory Committee Act (5 U.S.C. App.), but*
4 *minutes of the consultation shall be placed in the public*
5 *docket of the regulatory proceeding.”.*

6 (b) *TABLE OF SECTIONS AMENDMENT.—The item re-*
7 *lating to section 20133 in the table of sections for chapter*
8 *201 of title 49, United States Code, is amended to read as*
9 *follows:*

“20133. Passenger cars.”.

10 **SEC. 216. CONTRACT AND GRANT AUTHORITY.**

11 *Section 103 of title 49, United States Code, is amended*
12 *by adding at the end the following new subsection:*

13 *“(e) Subject to the provisions of the Federal Property*
14 *and Administrative Services Act of 1949 (40 U.S.C. 471*
15 *et seq.), the Secretary of Transportation may make, enter*
16 *into, and perform such contracts, grants, leases, cooperative*
17 *agreements, and other similar transactions with Federal or*
18 *other public agencies (including State and local govern-*
19 *ments) and private organizations and persons, and make*
20 *such payments, by way of advance or reimbursement, as*
21 *the Secretary may determine to be necessary or appropriate*
22 *to carry out functions of the Federal Railroad Administra-*
23 *tion. The authority of the Secretary granted by this sub-*
24 *section shall be carried out by the Administrator. Notwith-*
25 *standing any other provision of this chapter, no authority*

1 *to enter into contracts or to make payments under this sub-*
2 *section shall be effective, except as provided for in appro-*
3 *priations Acts.”.*

4 **SEC. 217. TOURIST RAILROAD CARRIERS.**

5 *Section 20103 of title 49, United States Code, is*
6 *amended by adding at the end the following new subsection:*

7 *“(f) TOURIST RAILROAD CARRIERS.—In prescribing*
8 *regulations that pertain to railroad safety that affect tour-*
9 *ist, historic, scenic, or excursion railroad carriers, the Sec-*
10 *retary of Transportation shall take into consideration any*
11 *financial, operational, or other factors that may be unique*
12 *to such railroad carriers. The Secretary shall submit a re-*
13 *port to Congress not later than September 30, 1995, on ac-*
14 *tions taken under this subsection.”.*

15 **SEC. 218. OPERATION LIFESAVER.**

16 *Section 20117 of title 49, United States Code, is*
17 *amended by adding at the end the following new subsection:*

18 *“(e) OPERATION LIFESAVER.—In addition to amounts*
19 *otherwise authorized by law, there are authorized to be ap-*
20 *propriated for railroad research and development \$300,000*
21 *for fiscal year 1995, \$500,000 for fiscal year 1996, and*
22 *\$750,000 for fiscal year 1997, to support Operation Life-*
23 *saver, Inc.”.*

1 **SEC. 219. RAILROAD TRESPASSING AND VANDALISM PRE-**
2 **VENTION STRATEGY.**

3 (a) *AMENDMENT.*—Subchapter II of chapter 201 of
4 title 49, United States Code, is amended by adding at the
5 end the following new section:

6 **“§20151. Railroad trespassing and vandalism preven-**
7 **tion strategy**

8 “(a) *EVALUATION OF EXISTING LAWS.*—In consulta-
9 tion with affected parties, the Secretary of Transportation
10 shall evaluate and review current local, State, and Federal
11 laws regarding trespassing on railroad property and van-
12 dalism affecting railroad safety, and develop model preven-
13 tion strategies and enforcement laws to be used for the con-
14 sideration of State and local legislatures and governmental
15 entities. The first such evaluation and review shall be com-
16 pleted within 1 year after the date of enactment of the Fed-
17 eral Railroad Safety Authorization Act of 1994. The Sec-
18 retary shall revise such model prevention strategies and en-
19 forcement codes periodically.

20 “(b) *OUTREACH PROGRAM.*—The Secretary shall de-
21 velop and maintain a comprehensive outreach program to
22 improve communications among Federal railroad safety in-
23 spectors, State inspectors certified by the Federal Railroad
24 Administration, railroad police, and State and local law
25 enforcement officers, for the purpose of addressing trespass-
26 ing and vandalism problems on railroad property, and

1 *strengthening relevant enforcement strategies. This program*
2 *shall be designed to increase public and police awareness*
3 *of the illegality of, dangers inherent in, and the extent of,*
4 *trespassing on railroad rights-of-way, to develop strategies*
5 *to improve the prevention of trespassing and vandalism,*
6 *and to improve the enforcement of laws relating to railroad*
7 *trespass, vandalism, and safety.*

8 “(c) *MODEL LEGISLATION.—Within 18 months after*
9 *the date of enactment of the Federal Railroad Safety Au-*
10 *thorization Act of 1994, the Secretary, after consultation*
11 *with State and local governments and railroad carriers,*
12 *shall develop and make available to State and local govern-*
13 *ments model State legislation providing for—*

14 “(1) *civil or criminal penalties, or both, for van-*
15 *dalism of railroad equipment or property which could*
16 *affect the safety of the public or of railroad employees;*
17 *and*

18 “(2) *civil or criminal penalties, or both, for tres-*
19 *passing on a railroad owned or leased right-of-way.”.*

20 “(b) *TABLE OF SECTIONS AMENDMENT.—The table of*
21 *sections for subchapter II of chapter 201 of title 49, United*
22 *States Code, is amended by adding at the end the following*
23 *new item:*

“20151. Railroad trespassing and vandalism prevention strategy.”.

1 **TITLE III—GRADE CROSSING**
2 **SAFETY**

3 **SEC. 301. EMERGENCY NOTIFICATION OF GRADE CROSSING**

4 **PROBLEMS.**

5 (a) *AMENDMENT.*—Subchapter II of chapter 201 of
6 title 49, United States Code, is amended by adding at the
7 end the following new section:

8 **“§20152. Emergency notification of grade crossing**
9 **problems**

10 “(a) *PILOT PROGRAMS.*—The Secretary of Transpor-
11 tation shall conduct a pilot program to demonstrate an
12 emergency notification system utilizing a toll free telephone
13 number that the public can use to convey to railroad car-
14 riers, either directly or through public safety personnel, in-
15 formation about malfunctions or other safety problems at
16 railroad-highway grade crossings. The pilot program, at a
17 minimum—

18 “(1) shall include railroad-highway grade cross-
19 ings in at least 2 States;

20 “(2) shall include provisions for public education
21 and awareness of the program; and

22 “(3) shall require information to be posted at the
23 railroad-highway grade crossing describing the emer-
24 gency notification system and instructions on how to
25 use the system.

1 *The Secretary may, by grant, provide funding for the ex-*
2 *penditure of information signs and public awareness campaigns*
3 *necessary to demonstrate the notification system.*

4 “(b) *REPORT.—The Secretary shall complete the pilot*
5 *program not later than 24 months after the date of enact-*
6 *ment of this section, and shall submit to the Congress not*
7 *later than 30 months after that date an evaluation of the*
8 *pilot program, together with findings as to the effectiveness*
9 *of such emergency notification systems. The report shall*
10 *compare and contrast the structure, cost, and effectiveness*
11 *of the pilot program with other emergency notification sys-*
12 *tems in effect within other States. Such evaluation shall in-*
13 *clude analyses of the safety benefits derived from the pro-*
14 *grams, cost effectiveness, and the burdens on participants,*
15 *including railroad carriers and law enforcement person-*
16 *nel.”.*

17 “(b) *TABLE OF SECTIONS AMENDMENT.—The table of*
18 *sections for subchapter II of chapter 201 of title 49, United*
19 *States Code, is amended by adding at the end the following*
20 *new item:*

“20152. Emergency notification of grade crossing problems.”.

21 **SEC. 302. AUDIBLE WARNINGS AT HIGHWAY-RAIL GRADE**
22 **CROSSINGS.**

23 “(a) *AMENDMENT.—Subchapter II of chapter 201 of*
24 *title 49, United States Code, is amended by adding at the*
25 *end the following new section:*

1 **“§20153. Audible warnings at highway-rail grade**
2 **crossings**

3 *“(a) DEFINITIONS.—As used in this section—*

4 *“(1) the term “highway-rail grade crossing” in-*
5 *cludes any street or highway crossing over a line of*
6 *railroad at grade;*

7 *“(2) the term “locomotive horn” refers to a*
8 *train-borne audible warning device meeting standards*
9 *specified by the Secretary of Transportation; and*

10 *“(3) the term “supplementary safety measure”*
11 *refers to a safety system or procedure, provided by the*
12 *appropriate traffic control authority or law enforce-*
13 *ment authority responsible for safety at the highway-*
14 *rail grade crossing, that is determined by the Sec-*
15 *retary to be an effective substitute for the locomotive*
16 *horn in the prevention of highway-rail casualties. A*
17 *traffic control arrangement that prevents careless*
18 *movement over the crossing (e.g., as where adequate*
19 *median barriers prevent movement around crossing*
20 *gates extending over the full width of the lanes in the*
21 *particular direction of travel), and that conforms to*
22 *standards prescribed by the Secretary under this sub-*
23 *section, shall be deemed to constitute a supplementary*
24 *safety measure. The following do not, individually or*
25 *in combination, constitute supplementary safety*
26 *measures within the meaning of this subsection:*

1 *standard traffic control devices or arrangements such*
2 *as reflectorized crossbucks, stop signs, flashing lights,*
3 *flashing lights with gates that do not completely block*
4 *travel over the line of railroad, or traffic signals.*

5 “(b) *REQUIREMENT.*—*The Secretary of Transpor-*
6 *tation shall prescribe regulations requiring that a loco-*
7 *motive horn shall be sounded while each train is approach-*
8 *ing and entering upon each public highway-rail grade*
9 *crossing.*

10 “(c) *EXCEPTION.*—(1) *In issuing such regulations, the*
11 *Secretary may except from the requirement to sound the*
12 *locomotive horn any categories of rail operations or cat-*
13 *egories of highway-rail grade crossings (by train speed or*
14 *other factors specified by regulation)—*

15 “(A) *that the Secretary determines not to present*
16 *a significant risk with respect to loss of life or serious*
17 *personal injury;*

18 “(B) *for which use of the locomotive horn as a*
19 *warning measure is impractical; or*

20 “(C) *for which, in the judgment of the Secretary,*
21 *supplementary safety measures fully compensate for*
22 *the absence of the warning provided by the locomotive*
23 *horn.*

24 “(2) *In order to provide for safety and the quiet of*
25 *communities affected by train operations, the Secretary*

1 *may specify in such regulations that any supplementary*
2 *safety measures must be applied to all highway-rail grade*
3 *crossings within a specified distance along the railroad in*
4 *order to be excepted from the requirement of this section.*

5 “(d) *APPLICATION FOR WAIVER OR EXEMPTION.*—Not-
6 *withstanding any other provision of this subchapter, the*
7 *Secretary may not entertain an application for waiver or*
8 *exemption of the regulations issued under this section unless*
9 *such application shall have been submitted jointly by the*
10 *railroad carrier owning, or controlling operations over, the*
11 *crossing and by the appropriate traffic control authority*
12 *or law enforcement authority. The Secretary shall not grant*
13 *any such application unless, in the judgment of the Sec-*
14 *retary, the application demonstrates that the safety of high-*
15 *way users will not be diminished.*

16 “(e) *DEVELOPMENT OF SUPPLEMENTARY SAFETY*
17 *MEASURES.*—(1) *In order to promote the quiet of commu-*
18 *nities affected by rail operations and the development of*
19 *innovative safety measures at highway-rail grade crossings,*
20 *the Secretary may, in connection with demonstration of*
21 *proposed new supplementary safety measures, order rail-*
22 *road carriers operating over one or more crossings to cease*
23 *temporarily the sounding of locomotive horns at such cross-*
24 *ings. Any such measures shall have been subject to testing*

1 *and evaluation and deemed necessary by the Secretary*
2 *prior to actual use in lieu of the locomotive horn.*

3 “(2) *The Secretary may include in regulations issued*
4 *under this subsection special procedures for approval of new*
5 *supplementary safety measures meeting the requirements of*
6 *subsection (c)(1) of this section following successful dem-*
7 *onstration of those measures.*

8 “(f) *SPECIFIC RULES.—The Secretary may, by regula-*
9 *tion, provide that the following crossings over railroad lines*
10 *shall be subject, in whole or in part, to the regulations re-*
11 *quired under this section:*

12 “(1) *Private highway-rail grade crossings.*

13 “(2) *Pedestrian crossings.*

14 “(3) *Crossings utilized primarily by non-*
15 *motorized vehicles and other special vehicles.*

16 *Regulations issued under this subsection shall not apply to*
17 *any location where persons are not authorized to cross the*
18 *railroad.*

19 “(g) *ISSUANCE.—The Secretary shall issue regulations*
20 *required by this section pertaining to categories of highway-*
21 *rail grade crossings that in the judgment of the Secretary*
22 *pose the greatest safety hazard to rail and highway users*
23 *not later than 24 months following the date of enactment*
24 *of this section. The Secretary shall issue regulations per-*

1 *taining to any other categories of crossings not later than*
2 *48 months following the date of enactment of this section.*

3 “(h) *IMPACT OF REGULATIONS.—The Secretary shall*
4 *include in regulations prescribed under this section a con-*
5 *cise statement of the impact of such regulations with respect*
6 *to the operation of section 20106 of this title (national uni-*
7 *formity of regulation).”.*

8 (b) *TABLE OF SECTIONS AMENDMENT.—The table of*
9 *sections for subchapter II of chapter 201 of title 49, United*
10 *States Code, is amended by adding at the end the following*
11 *new item:*

“20153. Audible warnings at highway-rail grade crossings.”.

Attest:

Clerk.

103RD CONGRESS
2^D SESSION

H. R. 4867

AMENDMENT
TO

SENATE AMENDMENTS