

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

# S. 2132

To authorize appropriations to carry out the Federal Railroad Safety Act of 1970, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, MAY 16), 1994

Mr. EXON introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To authorize appropriations to carry out the Federal Railroad Safety Act of 1970, 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 “Federal Railroad Safe-  
5 ty Authorization Act of 1994”.

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 214(a) of the Federal Railroad Safety Act of  
8 1970 (45 U.S.C. 444(a)) is amended by striking the first  
9 sentence and inserting in lieu thereof the following:  
10 “There are authorized to be appropriated to carry out this

1 Act not to exceed \$68,289,000 for fiscal year 1995 and  
2 such sums as may be necessary for fiscal years 1996,  
3 1997, and 1998.’’.

4 **SEC. 3. HOURS OF SERVICE PILOT PROJECT.**

5 (a) IN GENERAL.—The Hours of Service Act (45  
6 U.S.C. 61 et seq.) is amended by adding at the end the  
7 following new section:

8 **“SEC. 7. HOURS OF SERVICE PILOT PROJECT.**

9 “(a) A railroad or railroads, and all labor organiza-  
10 tions representing any directly affected covered service  
11 employees of the railroad or railroads, may jointly petition  
12 the Secretary of Transportation for approval of one or  
13 more pilot projects to demonstrate the possible benefits  
14 of implementing alternatives to the requirements of this  
15 Act, including, but not limited to, those concerning maxi-  
16 mum on-duty and minimum off-duty periods. Based on  
17 such a joint petition, the Secretary, after notice and op-  
18 portunity for comment, may waive, in whole or in part,  
19 compliance with this Act for a period of no more than 2  
20 years, if the Secretary determines that such waiver of com-  
21 pliance is in the public interest and is consistent with rail-  
22 road safety. Any such waiver may, based on a new peti-  
23 tion, be extended for additional periods of up to 2 years,  
24 after notice and opportunity for comment. An explanation

1 of any waiver granted under this section shall be published  
2 in the Federal Register.

3 “(b) The Secretary shall submit to Congress no later  
4 than June 1, 1996, a report that explains and analyzes  
5 the effectiveness of any pilot projects approved under this  
6 section.”.

7 (b) CIVIL PENALTY.—The first sentence of section  
8 5(a)(1) of the Hours of Service Act (45 U.S.C. 64a(a)(1))  
9 is amended by inserting immediately before “shall be lia-  
10 ble” the following: “or that violates any provision of a  
11 waiver applicable to that person that has been granted  
12 under section 7 of this Act,”.

13 **SEC. 4. TECHNICAL AMENDMENT TO FEDERAL RAILROAD**  
14 **SAFETY ACT OF 1970.**

15 The first sentence of section 209(f) of the Federal  
16 Railroad Safety Act of 1970 (45 U.S.C. 438(f)) is amend-  
17 ed by inserting “any of the Federal railroad safety laws,  
18 as defined in section 212(e) of this title (except for the  
19 Hazardous Materials Transportation Act), or” imme-  
20 diately after “individual’s violation of”.

21 **SEC. 5. BIENNIAL REPORTING ON IMPLEMENTATION OF**  
22 **FEDERAL RAILROAD SAFETY ACT OF 1970.**

23 (a) IN GENERAL.—Section 211(a) of the Federal  
24 Railroad Safety Act of 1970 (45 U.S.C. 440(a)) is amend-  
25 ed—

1           (1) in the first sentence, by striking “on or be-  
2           fore July 1 of each year a comprehensive report on  
3           the administration of this title for the preceding cal-  
4           endar year” and inserting in lieu thereof “every 2  
5           years, on or before July 1 of the year due, a com-  
6           prehensive report on the administration of this title  
7           for the preceding 2 calendar years”;

8           (2) in paragraph (1), by striking “occurring in  
9           such year” and inserting in lieu thereof “occurring  
10          during each of the 2 preceding calendar years, by  
11          calendar year”;

12          (3) in paragraphs (2), (3), and (6), respectively,  
13          by striking “year” and inserting in lieu thereof  
14          “years”; and

15          (4) in paragraphs (9) and (10), by striking  
16          “during the preceding calendar year” each place it  
17          appears and inserting in lieu thereof “during the  
18          preceding 2 calendar years”.

19          (b) CONFORMING AMENDMENT.—The section head-  
20          ing for section 211 of the Federal Railroad Safety Act  
21          of 1970 (45 U.S.C. 440) is amended by striking “**AN-**  
22          **NUAL REPORT**” and inserting in lieu thereof “**BIENNIAL**  
23          **REPORT**”.

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