

104TH CONGRESS
2D SESSION

H. R. 3106

To improve rail transportation safety, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 18, 1996

Mr. WYNN introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To improve rail transportation safety, 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 Safety Act of
5 1996”.

6 **SEC. 2. DEFINITIONS.**

7 For purposes of this Act, the following definitions
8 shall apply:

9 (1) **PASSENGER CAB CAR.**—The term “pas-
10 senger cab car” means the leading cab car on a pas-
11 senger train that does not have a locomotive or safe-
12 ty locomotive at the front of the train.

1 (2) RAILROAD CARRIER.—The term “railroad
2 carrier” has the same meaning as in section
3 20102(2) of title 49, United States Code.

4 (3) SAFETY LOCOMOTIVE.—The term “safety
5 locomotive” means a cab-car locomotive (whether
6 operational or not) that is used at the front of a rail
7 passenger train to promote passenger safety.

8 (4) SECRETARY.—The term “Secretary” means
9 the Secretary of Transportation.

10 (5) TRAIN EMPLOYEE.—The term “train em-
11 ployee” has the same meaning as in section
12 21101(5) of title 49, United States Code.

13 **SEC. 3. HOURS OF SERVICE.**

14 (a) AMENDMENT.—Section 21103 of title 49, United
15 States Code, is amended to read as follows:

16 **“§21103. Limitations on duty hours of train employ-**
17 **ees**

18 “(a) REGULATIONS.—The Secretary of Transpor-
19 tation shall promulgate regulations concerning limitations
20 on duty hours of train employees that contain—

21 “(1) requirements concerning hours of work for
22 train employees and interim periods available for
23 rest that are no less stringent than the applicable re-
24 quirements under this section, as in effect on the

1 day before the date of enactment of the Rail Safety
2 Act of 1996; and

3 “(2) any other related requirements that the
4 Secretary determines to be necessary to protect pub-
5 lic safety.

6 “(b) NEGOTIATED RULEMAKING.—In promulgating
7 regulations under this section, the Secretary shall use ne-
8 gotiated rulemaking in accordance with the procedures
9 under subchapter III of chapter 5 of title 5, United States
10 Code, unless the Secretary determines that the use of that
11 process is not appropriate.”.

12 (b) PROMULGATION.—The Secretary shall promul-
13 gate the regulations described in section 21103 of title 49,
14 United States Code, as amended by subsection (a), within
15 180 days after the date of enactment of this Act.

16 (c) CONTINUED EFFECT OF REQUIREMENTS.—The
17 requirements stated in section 21103 of title 49, United
18 States Code, as in effect on the day before the date of
19 enactment of this Act, shall continue in effect until the
20 Secretary promulgates final regulations under subsection
21 (b).

22 **SEC. 4. SATELLITE-BASED POSITIVE TRAIN CONTROL SYS-**
23 **TEMS.**

24 (a) STUDY AND REPORT.—Not later than 1 year
25 after the date of enactment of this Act, the Secretary shall

1 complete and transmit to the Congress a report detailing
2 the results of a study to determine the feasibility of requir-
3 ing satellite-based positive train control systems in the
4 United States by January 1, 2001.

5 (b) TIME FRAME FOR OPERATION.—

6 (1) DETERMINATION OF PRACTICABILITY.—

7 Upon completion of the study conducted under sub-
8 section (a), the Secretary shall determine whether
9 the installation of effective satellite-based positive
10 train control systems referred to in subsection (a)
11 could be accomplished practicably by January 1,
12 2001.

13 (2) AUTOMATED TRAIN CONTROL SYSTEMS RE-
14 QUIREMENT.—Within 180 days after the completion
15 of the study conducted under subsection (a), the
16 Secretary shall promulgate regulations to require, as
17 soon as practicable after the promulgation of the
18 regulations, the use of automated train control sys-
19 tems that are available at that time.

20 (3) WAIVERS.—If the appropriate official of a
21 railroad carrier establishes, to the satisfaction of the
22 Secretary, and in a manner specified by the Sec-
23 retary, that the railroad carrier will have in oper-
24 ation a satellite-based positive train control system
25 by January 1, 2001, the Secretary shall waive for

1 that railroad carrier the application of the regula-
2 tions promulgated under paragraph (2), subject to
3 terms and conditions established by the Secretary.

4 (4) EXCEPTIONS AND CONDITIONS.—In promul-
5 gating regulations under this subsection, the Sec-
6 retary shall provide for any exceptions or conditions
7 that the Secretary determines to be necessary.

8 (5) MONITORING.—If the Secretary issues a
9 waiver for a railroad carrier under paragraph (3),
10 the railroad carrier shall, during the period that the
11 waiver is in effect, provide such information to the
12 Secretary as the Secretary determines to be nec-
13 essary to monitor the compliance of the railroad car-
14 rier with the terms and conditions of the waiver, in-
15 cluding information concerning the progress of the
16 railroad carrier in achieving an operational satellite-
17 based positive train control system.

18 (6) REVOCATION OF WAIVERS.—If, at any time
19 during the period that a waiver issued under para-
20 graph (3) is in effect, the Secretary determines that
21 the railroad carrier issued the waiver is not meeting
22 the terms or conditions of the waiver, or is not likely
23 to have in operation a satellite-based positive train
24 control system by January 1, 2001, the Secretary
25 shall revoke the waiver.

1 **SEC. 5. AUTOMATIC TRAIN ESCAPE DEVICE STUDY.**

2 (a) STUDY.—Not later than 1 year after the date of
3 enactment of this Act, the Secretary shall complete and
4 transmit to the Congress a report detailing the results of
5 a study of the technical, structural, and economic feasibil-
6 ity of installing in rail passenger cars devices which, in
7 the event of a collision, would automatically provide pas-
8 senger escape access.

9 (b) REGULATIONS.—If the Secretary finds in the
10 study that automatic train escape devices should be re-
11 quired on rail passenger trains, the Secretary shall, not
12 later than 180 days after the date the report is submitted
13 to Congress under subsection (a), promulgate regulations
14 to require automatic train escape devices on rail passenger
15 trains as soon as practicable after the promulgation of the
16 regulations.

17 **SEC. 6. EMERGENCY SAFETY PRECAUTIONS.**

18 (a) IN GENERAL.—Not later than 90 days after the
19 date of enactment of this Act, the Secretary shall deter-
20 mine what regulations are necessary to increase the ability
21 of passengers to escape from a rail car in the event of
22 an emergency. The Secretary shall consider whether regu-
23 lations are necessary to require—

- 24 (1) emergency lighting in each rail car;
- 25 (2) emergency windows that are clearly marked
26 and operate easily;

1 (3) doors that are easy to operate in an emer-
2 gency situation;

3 (4) clear emergency procedure instructions to
4 be prominently displayed in all rail passenger cars;
5 and

6 (5) public address announcements at each train
7 stop that direct passengers to emergency procedure
8 instructions displayed in each car.

9 (b) REGULATIONS.—If the Secretary determines that
10 promulgating any of the regulations referred to in sub-
11 section (a) is necessary, the Secretary shall promulgate
12 such regulations, to take effect as soon as practicable after
13 the promulgation of the regulations.

14 **SEC. 7. LOCOMOTIVE FUEL TANKS.**

15 (a) IN GENERAL.—Not later than 180 days after the
16 date of enactment of this Act, the Secretary shall estab-
17 lish, by regulation, minimum safety standards for fuel
18 tanks of locomotives of rail passenger trains that take into
19 consideration environmental protection and public safety.

20 (b) APPLICABILITY.—The Secretary may limit the
21 applicability of the regulations promulgated under sub-
22 section (a) to new locomotives (as defined by the Sec-
23 retary) if the Secretary determines that the limitation is
24 appropriate.

1 **SEC. 8. PASSENGER CAR CRASHWORTHINESS.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of enactment of this Act, the Secretary shall deter-
4 mine whether to promulgate regulations, for the purpose
5 of protecting public safety, to—

6 (1) require crash posts at the corners of rail
7 passenger cars;

8 (2) require safety locomotives on rail passenger
9 trains;

10 (3) establish minimum crashworthiness stand-
11 ards for passenger cab cars; or

12 (4) carry out any combination of paragraphs
13 (1) through (3).

14 (b) REGULATIONS.—If the Secretary determines that
15 promulgating any of the regulations referred to in sub-
16 section (a) is necessary to protect public safety, the Sec-
17 retary shall, not later than 18 months after the date of
18 enactment of this Act, promulgate such regulations in
19 final form, to take effect as soon as practicable after the
20 promulgation of the regulations.

21 (c) REPORT.—If the Secretary determines under sub-
22 section (a) that taking any action referred to in para-
23 graphs (1) through (3) of such subsection is not necessary
24 to protect public safety, not later than the date of the de-
25 termination the Secretary shall submit a report to the
26 Congress that provides the reasons for that determination.

1 **SEC. 9. SIGNAL PLACEMENT.**

2 (a) STUDY.—Not later than 1 year after the date of
3 enactment of this Act, the Secretary shall complete a
4 study of the placement of rail signals along railways. In
5 conducting the study, the Secretary shall at a minimum
6 determine whether regulations should be promulgated to
7 require—

8 (1) that a signal be placed along a railway at
9 each exit of a rail station; and

10 (2) if practicable, that a signal be placed so
11 that it is visible only to the train employee of a train
12 that the signal is designed to influence.

13 (b) REGULATIONS.—If, upon completion of the study
14 conducted under subsection (a), the Secretary determines
15 that the regulations referred to in that subsection are nec-
16 essary for the protection of public safety, the Secretary
17 shall, not later than 180 days after the completion of the
18 study, promulgate those regulations.

19 (c) REPORT.—If, upon completion of the study con-
20 ducted under subsection (a), the Secretary determines
21 that promulgating any of the regulations referred to in
22 that subsection is not necessary for the protection of pub-
23 lic safety, not later than the date of the determination the
24 Secretary shall submit a report to the Congress that pro-
25 vides the reasons for that determination.