

104TH CONGRESS
2D SESSION

H. R. 3335

To make certain administrative reforms relating to the Federal Railroad Administration and to make further improvements to the laws governing railroad safety.

IN THE HOUSE OF REPRESENTATIVES

APRIL 25, 1996

Ms. MOLINARI introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To make certain administrative reforms relating to the Federal Railroad Administration and to make further improvements to the laws governing railroad safety.

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 Ad-
5 ministration Performance, Personnel, and Enforcement
6 Act of 1996”.

7 **SEC. 2. REGIONAL SAFETY OFFICES.**

8 Section 103(a) of title 49, United States Code, is
9 amended by striking the second and third sentences.

1 **SEC. 3. ADMINISTRATOR'S QUALIFICATIONS.**

2 Section 103(b) of title 49, United States Code, is
3 amended by inserting after “consent of the Senate.” the
4 following new sentence: “The Administrator shall be ap-
5 pointed on the basis of technical qualification, professional
6 standing, and demonstrated knowledge in transportation,
7 transportation regulation, or transportation safety.”.

8 **SEC. 4. CONSULTATION WITH FEDERAL TRANSIT ADMINIS-**
9 **TRATION.**

10 Section 103(e) of title 49, United States Code, is
11 amended by inserting after paragraph (2) the following:
12 “The Administrator shall consult with the Federal Transit
13 Administration on all commuter rail passenger service
14 matters within the jurisdiction of the Administrator, and
15 shall establish procedures for regular oversight of such
16 matters.”.

17 **SEC. 5. FINAL AGENCY ACTION.**

18 Subsection (d) of section 103 of title 49, United
19 States Code, is amended to read as follows:

20 “(d) A decision of the Administrator in carrying out
21 a duty or power specified by subsection (c)(1) and involv-
22 ing notice and hearing required by law is administratively
23 final. A failure by the Secretary, by the Administrator,
24 or by any person acting on behalf of the Secretary or the
25 Administrator, to comply with a statutory deadline for
26 regulatory action within the jurisdiction of the Adminis-

1 tration shall be considered a final agency action for pur-
2 poses of judicial review.”.

3 **SEC. 6. STUDY OF RULEMAKING PROCESS.**

4 The Comptroller General shall, before October 1,
5 1997, complete and transmit to the Congress a report de-
6 tailing the results of a study of the rulemaking process
7 employed by the Federal Railroad Administration. The
8 study shall address—

9 (1) the adequacy of resources devoted to that
10 rulemaking process; and

11 (2) improvements that could be made in that
12 process, including achieving timely issuance of regu-
13 lations required by statute and adhering to statutory
14 deadlines.

15 **SEC. 7. CONVERSION OF HOURS OF SERVICE PROVISIONS**
16 **TO ADMINISTRATIVE REGULATIONS.**

17 (a) REPEAL.—(1) Chapter 211 of title 49, United
18 States Code, and the item relating thereto in the table of
19 chapters of subtitle V of title 49, are repealed.

20 (2) Paragraph (1) shall take effect on October 1,
21 1996.

22 (b) CONVERSION TO ADMINISTRATIVE REGULA-
23 TIONS.—On the repeal of chapter 211 under subsection
24 (a), the provisions of sections 21101 through 21107 of
25 that chapter shall continue in effect with full force and

1 effect as if issued as administrative regulations by the Sec-
2 retary of Transportation under that chapter. Such provi-
3 sions, and any regulations issued by the Secretary relating
4 thereto, shall be subject to modification to the full extent
5 of the Secretary's authority over railroad safety matters
6 under section 20103(a) of title 49, United States Code.

7 **SEC. 8. HOURS OF SERVICE PILOT PROJECTS.**

8 (a) AMENDMENT.—Chapter 201 of title 49, United
9 States Code, is amended by adding at the end the follow-
10 ing new section:

11 **“§ 20154. Hours of service pilot projects**

12 “(a) AUTHORITY.—The Secretary of Transportation
13 may approve the implementation of pilot projects to dem-
14 onstrate the possible benefits of implementing alternatives
15 to the strict application of the requirements of chapter
16 211, regulations issued thereunder, and successor regula-
17 tions thereto, including requirements concerning maxi-
18 mum on-duty and minimum off-duty periods. If, as of Au-
19 gust 1, 1996, less than 3 such projects are underway with
20 projected completion dates of not later than June 30,
21 1998, the Secretary shall order the implementation of suf-
22 ficient projects to ensure that at least 3 such projects are
23 underway no later than December 1, 1996.

24 “(b) REPORT.—Not later than June 30, 1998, the
25 Secretary shall transmit to the Congress a report that—

1 “(1) explains and analyzes the effectiveness of
2 all pilot projects established pursuant to subsection
3 (a); and

4 “(2) recommends appropriate modifications to
5 the Secretary’s hours of service regulations.”.

6 (b) CONFORMING AMENDMENT.—The table of sec-
7 tions of chapter 201 of title 49, United States Code, is
8 amended by adding at the end the following new item:

“20154. Hours of service pilot projects.”.

9 **SEC. 9. TRAIN CONTROL SYSTEMS REPORTS.**

10 (a) AMENDMENT.—Chapter 201 of title 49, United
11 States Code, as amended by section 8 of this Act, is fur-
12 ther amended by adding at the end the following new sec-
13 tion:

14 **“§ 20155. Train control systems reports**

15 “(a) APPLICATION OF TRAIN CONTROL SYSTEMS TO
16 COMMUTER CORRIDORS.—Not later than December 31,
17 1997, the Secretary of Transportation shall transmit to
18 the Congress a report—

19 “(1) evaluating the current state of train con-
20 trol technology suitable for application to commuter
21 rail corridors; and

22 “(2) proposing a practicable schedule for the in-
23 stallation of such train control technology on key
24 commuter rail corridors.

1 “(b) APPLICATION OF ADVANCED TRAIN CONTROL
2 TO THE NATIONAL RAIL FREIGHT SYSTEM.—Not later
3 than June 30, 1998, the Secretary shall transmit to the
4 Congress a report—

5 “(1) evaluating the suitability of advanced train
6 control systems (including systems that employ radio
7 frequency data links and systems using the Global
8 Positioning System) for immediate use where appro-
9 priate on freight railroads’ route systems;

10 “(2) outlining a feasible schedule for installa-
11 tion of any such suitable systems on major rail
12 freight corridors; and

13 “(3) evaluating the costs and benefits of ad-
14 vanced train control systems, including business ben-
15 efits.”.

16 (b) CONFORMING AMENDMENT.—The table of sec-
17 tions of chapter 201 of title 49, United States Code, is
18 amended by adding at the end the following new item:

“20155. Train control systems reports.”.

19 **SEC. 10. RAIL SAFETY PERFORMANCE-BASED STANDARDS.**

20 (a) AMENDMENT.—Section 20103 of title 49, United
21 States Code, is amended by adding at the end the follow-
22 ing new subsection:

23 “(g) PERFORMANCE-BASED STANDARDS.—The Sec-
24 retary shall, to the maximum extent feasible, adopt per-
25 formance-based standards for achieving rail safety in all

1 activities to which this part applies. The Secretary shall
2 adopt a performance-based standard whenever—

3 “(1) the performance-based standard can rea-
4 sonably be expected to achieve an equal or greater
5 level of safety than alternative proposed or existing
6 standards; and

7 “(2) the administrative and enforcement costs
8 are not significantly greater than those of other
9 types of standards.”.

10 (b) REPORT.—Not later than June 30, 1998, the
11 Secretary of Transportation shall transmit to the Con-
12 gress a report on progress made in implementing section
13 20103(g). Such report shall include an estimate of the sav-
14 ings achieved, as a result of such implementation, in ad-
15 ministering rail safety programs as of the reporting date,
16 as well as a projection of savings expected to be achieved
17 for each fiscal year through September 30, 2002. Such
18 report shall also include an analysis of the effects of adopt-
19 ing performance-based standards on—

20 (1) railroad safety; and

21 (2) administrative and enforcement costs.

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