

104TH CONGRESS  
2D SESSION

# S. 1575

To improve rail transportation safety, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 27 (legislative day, FEBRUARY 23), 1996

Mr. LAUTENBERG 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 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) ADMINISTRATOR.—The term “Adminis-  
10       trator” means the Administrator of the Federal  
11       Railroad Administration.

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

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

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

11          (5) TRAIN EMPLOYEE.—The term “train em-  
12          ployee” has the same meaning as in section  
13          21101(5) of title 49, United States Code.

14 **SEC. 3. HOURS OF SERVICE.**

15          (a) IN GENERAL.—

16           (1) REGULATIONS.—Not later than 180 days  
17           after the date of enactment of this Act, the Sec-  
18           retary, in consultation with the Administrator, shall  
19           promulgate regulations concerning limitations on  
20           duty hours of train employees that contain—

21           (A) requirements concerning hours of work  
22           for train employees and interim periods avail-  
23           able for rest that are no less stringent than the  
24           applicable requirements under section 21103 of  
25           title 49, United States Code, as in effect on the

1 day before the effective date of subsection (b);  
2 and

3 (B) any other related requirements that  
4 the Secretary determines to be necessary to  
5 protect public safety.

6 (2) NEGOTIATED RULEMAKING.—

7 (A) IN GENERAL.—In promulgating regu-  
8 lations under this subsection, the Secretary  
9 shall use negotiated rulemaking, unless the Sec-  
10 retary determines that the use of that process  
11 is not appropriate.

12 (B) PROCEDURES FOR NEGOTIATED RULE-  
13 MAKING.—If the Secretary determines under  
14 subparagraph (A) that negotiated rulemaking is  
15 appropriate, the Secretary, in consultation with  
16 the Administrator, shall carry out the nego-  
17 tiated rulemaking in accordance with the proce-  
18 dures under subchapter III of chapter 5 of title  
19 5, United States Code.

20 (b) REPEAL.—

21 (1) IN GENERAL.—Section 21103 of title 49,  
22 United States Code, is repealed.

23 (2) EFFECTIVE DATE.—This subsection shall  
24 take effect on the date on which the Secretary pro-  
25 mulgates final regulations under subsection (a).

1 **SEC. 4. SATELLITE-BASED TRAIN CONTROL SYSTEMS.**

2 (a) IN GENERAL.—Not later than 1 year after the  
3 date of enactment of this Act, the Secretary, acting  
4 through the Administrator, shall conduct a study to deter-  
5 mine the feasibility of requiring satellite-based train con-  
6 trol systems to provide positive train control for railroad  
7 systems in the United States by January 1, 2001.

8 (b) TIME FRAME FOR OPERATION; AUTOMATED  
9 TRAIN CONTROL SYSTEMS.—

10 (1) REGULATIONS TO COVER IMPRACTICABILITY  
11 OF SATELLITE-BASED TRAIN CONTROL SYSTEMS.—

12 Subject to paragraph (3), if, upon completion of the  
13 study conducted under subsection (a), the Secretary,  
14 acting through the Administrator, determines that  
15 the installation of an effective satellite-based train  
16 control system referred to in subsection (a) could  
17 not be accomplished practicably by January 1, 2001,  
18 the Secretary shall promulgate regulations to re-  
19 quire, as soon as practicable after the date of pro-  
20 mulgation of the regulations, the use of automated  
21 train control technology that is available on that  
22 date.

23 (2) REGULATIONS TO COVER PRACTICABILITY  
24 OF SATELLITE-BASED TRAIN CONTROL SYSTEMS.—

25 (A) IN GENERAL.—Subject to paragraph  
26 (3), if upon completion of the study conducted

1           under subsection (a), the Secretary, acting  
2           through the Administrator, determines that the  
3           installation of an effective satellite-based train  
4           control system referred to in subsection (a)  
5           could be accomplished practicably by January  
6           1, 2001, the Secretary, in consultation with the  
7           Administrator, shall promulgate regulations to  
8           require, as soon as practicable after the date of  
9           promulgation of the regulations, the use of  
10          automated train control technology that is  
11          available on that date.

12                   (B) WAIVERS.—If the appropriate official  
13           of a railroad system establishes, to the satisfac-  
14           tion of the Secretary, and in a manner specified  
15           by the Secretary, that the railroad system will  
16           have in operation a satellite-based train control  
17           system by January 1, 2001, the Secretary shall  
18           issue a waiver for that railroad system to waive  
19           the application of the regulations promulgated  
20           under subparagraph (A) for that railroad sys-  
21           tem, subject to terms and conditions established  
22           by the Secretary.

23                   (3) CONDITIONS.—In promulgating regulations  
24           under this subsection, the Secretary, in consultation  
25           with the Administrator, shall provide for any excep-

1 tions or conditions that the Secretary, in consulta-  
2 tion with the Administrator, determines to be nec-  
3 essary.

4 (4) MONITORING.—

5 (A) IN GENERAL.—If the Secretary issues  
6 a waiver for a railroad system under paragraph  
7 (2)(B), the railroad system shall, during the pe-  
8 riod that the waiver is in effect, provide such  
9 information to the Secretary as the Secretary,  
10 acting through the Administrator, determines to  
11 be necessary to monitor the compliance of the  
12 railroad system with the conditions of the waiv-  
13 er, including information concerning the  
14 progress of the railroad system in achieving an  
15 operational satellite-based train control system.

16 (B) REVOCATION OF WAIVERS.—If, at any  
17 time during the period that a waiver issued  
18 under paragraph (2)(B) is in effect, the Sec-  
19 retary determines that the railroad system is-  
20 sued the waiver is not meeting the terms or  
21 conditions of the waiver, or is not likely to have  
22 in operation a satellite-based train control sys-  
23 tem by January 1, 2001, the Secretary shall re-  
24 voke 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, acting through the  
4 Administrator, shall conduct a study of the technical,  
5 structural, and economic feasibility of automatic train es-  
6 cape devices.

7 (b) REPORT.—Upon completion of the study con-  
8 ducted under this section, the Secretary, acting through  
9 the Administrator, shall—

10 (1) prepare a report that contains the findings  
11 of the study; and

12 (2) submit a copy of the report to the appro-  
13 priate committees of the Congress.

14 (c) REGULATIONS.—If, by the date specified in sub-  
15 section (a), the Secretary makes a determination (on the  
16 basis of the findings of the study) that automatic train  
17 escape devices should be required on rail passenger trains,  
18 the Secretary, in consultation with the Administrator,  
19 shall, not later than 180 days after such date, promulgate  
20 regulations to require automatic train escape devices on  
21 rail passenger trains as soon as practicable after the date  
22 of promulgation of the regulations.

23 **SEC. 6. LOCOMOTIVE FUEL TANKS.**

24 (a) IN GENERAL.—Not later than 180 days after the  
25 date of enactment of this Act, the Secretary, in consulta-  
26 tion with the Administrator, shall establish, by regulation,

1 minimum safety standards for fuel tanks of locomotives  
2 of rail passenger trains that take into consideration envi-  
3 ronmental protection and public safety.

4 (b) **APPLICABILITY.**—The Secretary, in consultation  
5 with the Administrator, may limit the applicability of the  
6 regulations promulgated under subsection (a) to new loco-  
7 motives (as defined by the Secretary, in consultation with  
8 the Administrator) if the Secretary determines that the  
9 limitation is appropriate.

10 **SEC. 7. PASSENGER CAR CRASH-WORTHINESS.**

11 (a) **IN GENERAL.**—Not later than 1 year after the  
12 date of enactment of this Act, the Secretary, in consulta-  
13 tion with the Administrator, shall determine whether to  
14 promulgate regulations, for the purpose of protecting pub-  
15 lic safety, to—

16 (1) require crash posts at the corners of rail  
17 passenger cars;

18 (2) require safety locomotives on rail passenger  
19 trains;

20 (3) establish minimum crash-worthiness stand-  
21 ards for passenger cab cars; or

22 (4) carry out any combination of paragraphs  
23 (1) through (3).

24 (b) **REGULATIONS.**—If, the Secretary, acting through  
25 the Administrator, determines that promulgating any of

1 the regulations referred to in subsection (a) are necessary  
2 to protect public safety, the Secretary, in consultation with  
3 the Administrator, shall, not later than 180 days after  
4 such date, promulgate such regulations in final form, to  
5 take effect as soon as practicable after the date of promul-  
6 gation of the regulations.

7 (c) REPORT.—If the Secretary determines under sub-  
8 section (a) that taking any action referred to in para-  
9 graphs (1) through (3) of such subsection is not necessary  
10 to protect public safety, not later than the date of the de-  
11 termination, the Secretary shall submit a report to the ap-  
12 propriate committees of the Congress that provides the  
13 reasons for the determination.

14 **SEC. 8. SIGNAL PLACEMENT.**

15 (a) STUDY.—Not later than 1 year after the date of  
16 enactment of this Act, the Secretary, acting through the  
17 Administrator, shall conduct a study of the placement of  
18 rail signals along railways. In conducting the study, the  
19 Secretary, acting through the Administrator, shall deter-  
20 mine whether regulations should be promulgated to re-  
21 quire—

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

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

4           (b) REGULATIONS.—If, upon completion of the study  
5           conducted under subsection (a), the Secretary determines  
6           that the regulations referred to in that subsection are nec-  
7           essary for the protection of public safety, the Secretary  
8           shall, not later than 180 days after the completion of the  
9           study, promulgate those regulations.

10          (c) REPORT.—If, upon completion of the study con-  
11          ducted under subsection (a), the Secretary determines  
12          that promulgating any of the regulations referred to in  
13          subsection (a) is not necessary for the protection of public  
14          safety, not later than the date of completion of the study,  
15          the Secretary shall submit a report to the appropriate  
16          committees of the Congress that provides the reasons for  
17          that determination.

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