

107TH CONGRESS
1ST SESSION

S. 1550

To provide for rail safety and security assistance.

IN THE SENATE OF THE UNITED STATES

OCTOBER 15, 2001

Mr. HOLLINGS (for himself and Mr. MCCAIN) introduced the following bill;
which was read twice and referred to the Committee on Commerce,
Science, and Transportation

A BILL

To provide for rail safety and security assistance.

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 Security Act of
5 2001”.

6 **SEC. 2. EMERGENCY AMTRAK ASSISTANCE.**

7 (a) IN GENERAL.—There are authorized to be appro-
8 priated to the Secretary of Transportation for the use of
9 Amtrak—

10 (1) \$515,000,000 for systemwide security up-
11 grades, including the reimbursement of extraor-

1 dinary security-related costs determined by the Sec-
2 retary to have been incurred by Amtrak since Sep-
3 tember 11, 2001, and including the hiring and train-
4 ing additional police officers, canine-assisted security
5 units, and surveillance equipment;

6 (2) \$998,000,000 to be used to complete New
7 York tunnel life safety projects and rehabilitate tun-
8 nels in Washington, D.C., and Baltimore, Maryland;
9 and

10 (3) \$254,000,000 to be used for increasing the
11 accessibility of Penn Station, New York City, for
12 safety and emergency response situations, renova-
13 tions to the Thames and Niantic Bridges in Con-
14 necticut, and improved safety of operations through
15 an advanced civil speed enforcement system radio
16 system in high-speed territory.

17 (b) AVAILABILITY OF APPROPRIATED FUNDS.—
18 Amounts appropriated pursuant to subsection (a) shall re-
19 main available until expended.

20 (c) PLAN REQUIRED.—The Secretary may not make
21 amounts available to Amtrak for obligation or expenditure
22 under subsection (a)—

23 (1) for implementing systemwide security up-
24 grades until Amtrak has submitted to the Secretary,

1 and the Secretary has approved, a plan for such up-
2 grades;

3 (2) for completing the tunnel life safety and re-
4 habilitation projects until Amtrak has submitted to
5 the Secretary, and the Secretary has approved, an
6 engineering and financial plan for such projects;

7 (3) for completing the projects described in sub-
8 section (a)(3) until Amtrak has submitted to the
9 Secretary and the Secretary has approved, a plan for
10 such projects; and

11 (4) Amtrak has submitted to the Secretary such
12 additional information as the Secretary may require
13 in order to ensure full accountability for the obliga-
14 tion or expenditure of amounts made available to
15 Amtrak for the purpose for which the funds are pro-
16 vided.

17 (d) 50 PERCENT TO BE SPENT OUTSIDE THE
18 NORTHEAST CORRIDOR.—The Secretary shall ensure that
19 up to 50 percent of the amounts appropriated pursuant
20 to subsection (a)(1) is obligated or expended for projects
21 outside the Northeast Corridor.

22 (e) ASSESSMENTS BY DOT INSPECTOR GENERAL.—

23 (1) INITIAL ASSESSMENT.—Within 60 days
24 after the date of enactment of this Act, the Inspec-
25 tor General of the Department of Transportation

1 shall transmit to the Senate Committee on Com-
2 merce, Science, and Transportation and the House
3 of Representatives Committee on Transportation
4 and Infrastructure a report—

5 (A) identifying any overlap between capital
6 projects for which funds are provided under
7 such funding documents, procedures, or ar-
8 rangements and capital projects included in
9 Amtrak’s 20-year capital plan; and

10 (B) indicating any adjustments that need
11 to be made in that plan to exclude projects for
12 which funds are appropriated pursuant to sub-
13 section (a).

14 (2) OVERLAP REVIEW.—The Inspector General
15 shall, as part of the Department’s annual assess-
16 ment of Amtrak’s financial status and capital fund-
17 ing requirements review the obligation and expendi-
18 ture of funds under each such funding document,
19 procedure, or arrangement to ensure that the ex-
20 penditure and obligation of those funds are con-
21 sistent with the purposes for which they are provided
22 under this Act.

23 (f) COORDINATION WITH EXISTING LAW.—Amounts
24 made available to Amtrak under this section shall not be

1 considered to be Federal assistance for purposes of part
2 C of subtitle V of title 49, United States Code.

3 **SEC. 3. RAIL SECURITY.**

4 (a) SECRETARY OF TRANSPORTATION.—Section
5 20103(a) of title 49, United States Code, is amended by
6 striking “safety” and inserting “safety, including the secu-
7 rity of railroad operations,”.

8 (b) RAIL POLICE OFFICERS.—Section 28101 of title
9 49, United States Code, is amended by striking “the rail
10 carrier” each place it appears and inserting “any rail car-
11 rier”.

12 (c) REVIEW OF RAIL REGULATIONS.—Within 180
13 days after the date of enactment of this Act, the Secretary
14 of Transportation, in consultation with the Federal Rail-
15 road Administration’s Rail Safety Advisory Committee,
16 shall review existing rail regulations of the Department
17 of Transportation for the purpose of identifying areas in
18 which those regulations need to be revised to improve rail
19 safety and security.

20 **SEC. 4. RAIL TRANSPORTATION SECURITY RISK ASSESS-**
21 **MENT.**

22 (a) IN GENERAL.—

23 (1) IN GENERAL.—The Secretary of Transpor-
24 tation shall assess the security risks associated with

1 rail transportation and develop prioritized rec-
2 ommendations for—

3 (A) improving the security of rail tunnels,
4 rail bridges, rail switching areas, and other
5 areas identified by the Secretary as posing sig-
6 nificant rail-related risks to public safety and
7 the movement of interstate commerce, taking
8 into account the impact that any proposed secu-
9 rity measure might have on the provision of rail
10 service; and

11 (B) dealing with the immediate and long-
12 term economic impact of measures that may be
13 required to address those risks.

14 (2) EXISTING PRIVATE AND PUBLIC SECTOR
15 EFFORTS.—The assessment shall include a review of
16 any actions already taken to address identified secu-
17 rity issues by both public and private entities.

18 (b) CONSULTATION; USE OF EXISTING RE-
19 SOURCES.—In carrying out the assessment required by
20 subsection (a), the Secretary shall—

21 (1) consult with rail management, rail labor,
22 and public safety officials (including officials respon-
23 sible for responding to emergencies); and

24 (2) utilize, to the maximum extent feasible, the
25 resources and assistance of—

1 (A) the Federal Railroad Administration’s
2 Rail Safety Advisory Committee; and

3 (B) the Transportation Research Board of
4 the National Academy of Sciences.

5 (c) REPORT.—

6 (1) CONTENTS.—Within 180 days after the
7 date of enactment of this Act, the Secretary shall
8 transmit to the Senate Committee on Commerce,
9 Science, and Transportation and the House of Rep-
10 resentatives Committee on Transportation and In-
11 frastructure a report, without compromising national
12 security, containing—

13 (A) the assessment and prioritized rec-
14 ommendations required by subsection (a); and

15 (B) any proposals the Secretary deems ap-
16 propriate for providing Federal financial, tech-
17 nological, or research and development assist-
18 ance to railroads to assist the railroads in re-
19 ducing the likelihood, severity, and con-
20 sequences of deliberate acts of crime or ter-
21 rorism toward rail employees, rail passengers,
22 rail shipments, or rail property.

23 (2) FORMAT.—The Secretary may submit the
24 report in both classified and redacted formats if the

- 1 Secretary determines that such action is appropriate
- 2 or necessary.

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