

109TH CONGRESS
1ST SESSION

S. 1380

To eliminate unsafe railway-road grade crossings, to enhance railroad safety through new safety technology, safety inspections, accident investigations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 11, 2005

Mr. VITTER (for himself and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To eliminate unsafe railway-road grade crossings, to enhance railroad safety through new safety technology, safety inspections, accident investigations, 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 “Railroad Safety Im-
5 provement Act of 2005”.

6 **SEC. 2. RAILWAY-ROAD GRADE CROSSINGS.**

7 (a) **ELIMINATION OF CROSSINGS.**—

8 (1) **IN GENERAL.**—Section 20134 of title 49,
9 United States Code, is amended—

1 (A) in subsection (a), by inserting “and
2 motorists at railroad grade crossings” after
3 “rights of way”;

4 (B) by amending subsection (c) to read as
5 follows:

6 “(c) AUTOMATED VIDEO IMAGE ANALYSIS PILOT
7 PROGRAM.—(1) The Secretary of Transportation, in con-
8 sultation with the National Highway Traffic Safety Ad-
9 ministration, shall establish a pilot program in the 5
10 States with the highest rates of collisions, injuries, and
11 fatalities at highway-rail grade crossings that uses auto-
12 mated video image analysis technology to record violations
13 by motorists at crossings equipped with automatic warn-
14 ing devices.

15 “(2) There are authorized to be appropriated such
16 sums as may be necessary to carry out the program estab-
17 lished under this paragraph (1).”; and

18 (C) by adding at the end the following:

19 “(d) PLAN TO ELIMINATE HIGHWAY-RAIL GRADE
20 CROSSINGS.—(1) Not later than 1 year after the date of
21 enactment of this subsection, the Secretary of Transpor-
22 tation, in consultation with appropriate transportation of-
23 ficials of States and units of local government with juris-
24 diction over highway-rail grade crossings, shall submit, to
25 the Committee on Commerce, Science, and Transportation

1 of the Senate, the Committee on Environment and Public
2 Works of the Senate, and the Committee on Transpor-
3 tation and Infrastructure of the House of Representatives,
4 a plan—

5 “(A) for annually eliminating highway-rail
6 grade crossings in the United States that, as of the
7 date of enactment of this subsection—

8 “(i) are considered by the Secretary of
9 Transportation to pose a safety threat; and

10 “(ii) have insufficient or outdated protec-
11 tive equipment;

12 “(B) that includes guidelines for establishing
13 new crossings, if necessary, through careful traffic,
14 zoning, and land use planning; and

15 “(C) that includes an estimate of the cost to
16 carry out subparagraph (A).

17 “(2) In determining the order for closing highway-
18 rail grade crossings under the plan developed under para-
19 graph (1), the Secretary shall give priority to crossings
20 in States that are among the top 5 States in terms of—

21 “(A) the number of accidents at highway-rail
22 grade crossings per mile of railroad tract;

23 “(B) the number of highway-rail grade cross-
24 ings with insufficient or outdated protective equip-
25 ment; or

1 “(C) the number of rail lines with a high vol-
2 ume of goods movement.

3 “(3) In developing the plan under paragraph (1), the
4 Secretary shall consider—

5 “(A) the feasibility of closing and improving a
6 group of highway-rail grade crossings in a single
7 community;

8 “(B) the impact of closure on access by emer-
9 gency vehicles;

10 “(C) traffic delays;

11 “(D) public inconvenience; and

12 “(E) the willingness of units of local govern-
13 ment to participate in the elimination or consolida-
14 tion of highway-rail grade crossings.”.

15 (2) REPORT.—Not later than 1 year after the
16 date of enactment of this Act, the Secretary of
17 Transportation shall update and reissue “A Guide to
18 Crossing Consolidation and Closure”, which was
19 originally published in July 1994.

20 (b) GRANTS TO IMPROVE THE SAFETY OF RAILWAY-
21 HIGHWAY GRADE CROSSINGS.—Section 130 of title 23,
22 United States Code, is amended—

23 (1) in subsection (d)—

24 (A) by striking “Each State” and inserting
25 the following:

1 “(1) IN GENERAL.—Each State”; and

2 (B) by adding at the end the following:

3 “(2) FEDERAL SAFETY REVIEW.—Using infor-
4 mation compiled by States under paragraph (1), the
5 Secretary of Transportation shall conduct a com-
6 prehensive review of the safety of all public railway-
7 highway grade crossings in the United States. The
8 matters reviewed shall include security measures,
9 safety conditions, past accidents, possible safety im-
10 provements, and any other factors that the Secretary
11 considers relevant.

12 “(3) PRIORITY LIST.—Based on the informa-
13 tion collected from the review conducted under para-
14 graph (2), the Secretary of Transportation shall
15 compile, maintain, and submit to Congress a list of
16 the 5,000 railway-highway grade crossings most in
17 need of safety improvements, grouped based on rel-
18 ative need for such improvements.”;

19 (2) in subsection (f)—

20 (A) by striking “and 50” and inserting
21 “25”; and

22 (B) by striking “States.” and inserting
23 “States, and 25 percent of such funds shall be
24 apportioned to the States in the ratio that total
25 highway and rail traffic through railway-high-

1 way crossings in each State bears to the total
2 of such traffic in all States.”;

3 (3) in subsection (i)(3)(B), by striking
4 “\$7,500” and inserting “\$15,000”;

5 (4) by redesignating subsection (j) as sub-
6 section (k); and

7 (5) by inserting after subsection (i) the fol-
8 lowing:

9 “(j) RAILWAY-HIGHWAY GRADE CROSSING SAFETY
10 IMPROVEMENT GRANTS.—

11 “(1) GRANTS AUTHORIZED.—The Secretary of
12 Transportation may award grants to States to make
13 necessary safety improvements to the railway-high-
14 way grade crossings identified under subsection
15 (d)(3).

16 “(2) PRIORITIZATION.—In awarding grants
17 under this subsection, the Secretary shall—

18 “(A) give priority to projects to install
19 automated warning systems at railway-highway
20 grade crossings in States with the highest num-
21 ber of accidents at such crossings; and

22 “(B) strive to reduce the number of rail-
23 way-highway grade crossings without automated
24 warning systems by not less than 50 percent.

1 “(3) APPLICATION.—Each State desiring a
2 grant under this subsection shall submit an applica-
3 tion to the Secretary at such time, in such manner,
4 and accompanied by such information as the Sec-
5 retary may reasonably require.

6 “(4) MATCHING REQUIREMENT.—The Sec-
7 retary may not award a grant to a State under this
8 subsection unless that State agrees that, with re-
9 spect to the costs to be incurred by the State in car-
10 rying out the program for which the grant was
11 awarded, the State will make available non-Federal
12 contributions in an amount equal to not less than \$1
13 for every \$9 of Federal financial assistance provided
14 under the grant.”.

15 (c) FUNDING.—Section 104(d) of title 23, United
16 States Code, is amended—

17 (1) by amending the subsection header to read
18 as follows: “FUNDS RESERVED FOR IMPROVING
19 SAFETY AT RAILWAY-HIGHWAY CROSSINGS”;

20 (2) by adding at the end the following:

21 “(3) RAILWAY-ROAD GRADE CROSSING SAFETY
22 IMPROVEMENTS.—Before making an apportionment
23 of funds under subsection (b)(3) for a fiscal year,
24 the Secretary shall set aside \$178,000,000 of the
25 funds made available for the surface transportation

1 program for the fiscal year for grants under section
2 130(j).”.

3 **SEC. 3. PENALTIES FOR VIOLATING CROSSING SIGNS, SIG-**
4 **NALS, OR GATES.**

5 (a) PREVENTION OF TRESPASSING AND VANDALISM
6 ON RAILROAD PROPERTY.—Not later than 1 year after
7 the date of enactment of this Act, the Secretary of Trans-
8 portation shall—

9 (1) analyze Federal, State, and local laws for
10 preventing and responding to trespassing and van-
11 dalism on railroad property; and

12 (2) update model strategies to prevent such
13 trespassing and vandalism.

14 (b) MODEL LEGISLATION.—Not later than 2 years
15 after the date of enactment of this Act, the Secretary of
16 Transportation, after consultation with States, units of
17 local government, and railroad carriers shall develop and
18 make available model legislation providing for civil and
19 criminal penalties for individuals who violate grade cross-
20 ing signs, signals, or gates.

21 **SEC. 4. OPERATION LIFESAVER FUNDING.**

22 Section 104(d)(1) of title 23, United States Code, is
23 amended by striking “set aside” and all that follows and
24 inserting the following: “set aside, to carry out a public
25 information and education program to help prevent and

1 reduce motor vehicle accidents, injuries, and fatalities, and
 2 to improve driver performance at railway-road crossings—

3 “(1) \$1,250,000 for fiscal year 2006;

4 “(2) \$1,300,000 for fiscal year 2007;

5 “(3) \$1,350,000 for fiscal year 2008;

6 “(4) \$1,400,000 for fiscal year 2009; and

7 “(5) \$1,460,000 for fiscal year 2010.”.

8 **SEC. 5. INSPECTIONS AND INVESTIGATIONS.**

9 (a) ANNUAL INSPECTIONS.—Section 20107 of title
 10 49, United States Code, is amended by adding at the end
 11 the following:

12 “(c) ANNUAL INSPECTIONS.—The Secretary of
 13 Transportation, acting through the Administrator of the
 14 Federal Railroad Administration, shall, physically inspect,
 15 on an annual basis, not less than 2 percent of all highway-
 16 rail grade crossings in the 10 States with the highest rates
 17 of collisions at such crossings during the 3-year period
 18 ending on the date of enactment of this Act.”.

19 (b) ACCIDENT INVESTIGATIONS.—Section 20902 of
 20 title 49, United States Code, is amended—

21 (1) by redesignating subsection (c) as sub-
 22 section (d); and

23 (2) by inserting after subsection (b) the fol-
 24 lowing:

25 “(c) INVESTIGATION OF FATAL ACCIDENTS.—

1 “(1) IN GENERAL.—The Secretary of Transpor-
2 tation, acting through the Administrator of the Fed-
3 eral Railroad Administration, shall conduct an inves-
4 tigation of—

5 “(A) all fatal accidents in the United
6 States during the 1-year period ending on the
7 date of enactment of this subsection; and

8 “(B) any fatal railroad accident occurring
9 in the United States on or after the date of en-
10 actment of this subsection.

11 “(2) REPORT TO CONGRESS.—Not later than
12 18 months after the date of enactment of this Act,
13 and annually thereafter, the Secretary shall submit
14 a report to Congress on the results of the investiga-
15 tions conducted under paragraph (1) during the 1-
16 year period ending on the date of enactment of this
17 Act and during each successive 1-year period.”.

18 **SEC. 6. DEFINITION.**

19 As used in this Act, and the amendments made by
20 this Act, the term “highway” has the meaning given the
21 term in section 101 of title 23, United States Code.

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