

This Document Is Presented Courtesy of



Workplace Champions Protecting Your Civil Rights®



Contact us:

**1-202-331-2883**

Or visit us online:

[www.EmploymentLawGroup.com](http://www.EmploymentLawGroup.com)

---

The Employment Law Group, P.C., has reproduced this document from public records as an educational service to users of its Web site. With the exception of this cover page and any other work of its own authorship herein, for which it reserves all rights, The Employment Law Group disclaims all copyright interest in this public domain work. If you believe you hold a valid copyright on any material in this document and wish to assert your rights, please contact us at [inquiry@EmploymentLawGroup.com](mailto:inquiry@EmploymentLawGroup.com).

Public Law 103-440  
103d Congress

An Act

To authorize appropriations for high-speed rail transportation, and for other purposes.

Nov. 2, 1994  
[H.R. 4867]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**TITLE I—HIGH-SPEED RAIL**

Swift Rail  
Development  
Act of 1994.

**SEC. 101. SHORT TITLE.**

This title may be cited as the “Swift Rail Development Act of 1994”.

49 USC 20101  
note.

**SEC. 102. FINDINGS; PURPOSE.**

49 USC 26101  
note.

(a) **FINDINGS.**—The Congress finds that—

(1) high-speed rail offers safe and efficient transportation in certain densely traveled corridors linking major metropolitan areas in the United States;

(2) high-speed rail may have environmental advantages over certain other forms of intercity transportation;

(3) Amtrak’s Metroliner service between Washington, District of Columbia, and New York, New York, the United States premier high-speed rail service, has shown that Americans will use high-speed rail when that transportation option is available;

(4) new high-speed rail service should not receive Federal subsidies for operating and maintenance expenses;

(5) State and local governments should take the prime responsibility for the development and implementation of high-speed rail service;

(6) the private sector should participate in funding the development of high-speed rail systems;

(7) in some intercity corridors, Federal planning assistance may be required to supplement the funding commitments of State and local governments and the private sector to ensure the adequate planning, including reasonable estimates of the costs and benefits, of high-speed rail systems;

(8) improvement of existing technologies can facilitate the development of high-speed rail systems in the United States; and

(9) Federal assistance is required for the improvement, adaptation, and integration of proven technologies for commercial application in high-speed rail service in the United States.

(b) **PURPOSE.**—The purpose of this title is to encourage far-sighted State, local, and private efforts in the analysis and planning for high-speed rail systems in appropriate intercity corridors.

**SEC. 103. NATIONAL HIGH-SPEED RAIL ASSISTANCE PROGRAM.**

(a) **AMENDMENTS.**—(1) Part D of subtitle V of title 49, United States Code, is redesignated as part E, chapter 261 of such title is redesignated as chapter 281, and sections 26101 and 26102 of such title are redesignated as sections 28101 and 28102.

(2) Subtitle V of title 49, United States Code, is amended by inserting after part C the following new part:

**“PART D—HIGH-SPEED RAIL**

**“CHAPTER 261—HIGH-SPEED RAIL ASSISTANCE**

“Sec.

“26101. Corridor planning.

“26102. High-speed rail technology improvements.

“26103. Safety regulations.

“26104. Authorization of appropriations.

“26105. Definitions.

**“§ 26101. Corridor planning**

“(a) **CORRIDOR PLANNING ASSISTANCE.**—(1) The Secretary may provide under this section financial assistance to a public agency or group of public agencies for corridor planning for up to 50 percent of the publicly financed costs associated with eligible activities.

“(2) No less than 20 percent of the publicly financed costs associated with eligible activities shall come from State and local sources, which State and local sources may not include funds from any Federal program.

“(b) **ELIGIBLE ACTIVITIES.**—(1) A corridor planning activity is eligible for financial assistance under subsection (a) if the Secretary determines that it is necessary to establish appropriate engineering, operational, financial, environmental, or socioeconomic projections for the establishment of high-speed rail service in the corridor and that it leads toward development of a prudent financial and institutional plan for implementation of specific high-speed rail improvements. Eligible corridor planning activities include—

“(A) environmental assessments;

“(B) feasibility studies emphasizing commercial technology improvements or applications;

“(C) economic analyses, including ridership, revenue, and operating expense forecasting;

“(D) assessing the impact on rail employment of developing high-speed rail corridors;

“(E) assessing community economic impacts;

“(F) coordination with State and metropolitan area transportation planning and corridor planning with other States;

“(G) operational planning;

“(H) route selection analyses and purchase of rights-of-way for proposed high-speed rail service;

“(I) preliminary engineering and design;

“(J) identification of specific improvements to a corridor, including electrification, line straightening and other right-of-way improvements, bridge rehabilitation and replacement, use

of advanced locomotives and rolling stock, ticketing, coordination with other modes of transportation, parking and other means of passenger access, track, signal, station, and other capital work, and use of intermodal terminals;

“(K) preparation of financing plans and prospectuses; and

“(L) creation of public/private partnerships.

“(2) No financial assistance shall be provided under this section for corridor planning with respect to the main line of the Northeast Corridor, between Washington, District of Columbia, and Boston, Massachusetts.

“(c) CRITERIA FOR DETERMINING FINANCIAL ASSISTANCE.—Selection by the Secretary of recipients of financial assistance under this section shall be based on such criteria as the Secretary considers appropriate, including—

“(1) the relationship of the corridor to the Secretary's national high-speed ground transportation policy;

“(2) the extent to which the proposed planning focuses on systems which will achieve sustained speeds of 125 mph or greater;

“(3) the integration of the corridor into metropolitan area and statewide transportation planning;

“(4) the potential interconnection of the corridor with other parts of the Nation's transportation system, including the interconnection with other countries;

“(5) the anticipated effect of the corridor on the congestion of other modes of transportation;

“(6) whether the work to be funded will aid the efforts of State and local governments to comply with the Clean Air Act (42 U.S.C. 7401 et seq.);

“(7) the past and proposed financial commitments and other support of State and local governments and the private sector to the proposed high-speed rail program, including the acquisition of rolling stock;

“(8) the estimated level of ridership;

“(9) the estimated capital cost of corridor improvements, including the cost of closing, improving, or separating highway-rail grade crossings;

“(10) rail transportation employment impacts;

“(11) community economic impacts;

“(12) the extent to which the projected revenues of the proposed high-speed rail service, along with any financial commitments of State or local governments and the private sector, are expected to cover capital costs and operating and maintenance expenses;

“(13) whether a specific route has been selected, specific improvements identified, and capacity studies completed; and

“(14) whether the corridor has been designated as a high-speed rail corridor by the Secretary.

#### “§ 26102. High-speed rail technology improvements

“(a) AUTHORITY.—The Secretary may undertake activities for the improvement, adaptation, and integration of proven technologies for commercial application in high-speed rail service in the United States.

“(b) ELIGIBLE RECIPIENTS.—In carrying out activities authorized by subsection (a), the Secretary may provide financial assistance to any United States private business, educational institution

located in the United States, State or local government or public authority, or agency of the Federal Government.

“(c) CONSULTATION WITH OTHER AGENCIES.—In carrying out activities authorized by subsection (a), the Secretary shall consult with such other governmental agencies as may be necessary concerning the availability of appropriate technologies for commercial application in high-speed rail service in the United States.

#### “§ 26103. Safety regulations

“The Secretary shall promulgate such safety regulations as may be necessary for high-speed rail services.

#### “§ 26104. Authorization of appropriations

“(a) FISCAL YEAR 1995.—There are authorized to be appropriated to the Secretary \$29,000,000 for fiscal year 1995, for carrying out sections 26101 and 26102 (including payment of administrative expenses related thereto).

“(b) FISCAL YEAR 1996.—(1) There are authorized to be appropriated to the Secretary \$40,000,000 for fiscal year 1996, for carrying out section 26101 (including payment of administrative expenses related thereto).

“(2) There are authorized to be appropriated to the Secretary \$30,000,000 for fiscal year 1996, for carrying out section 26102 (including payment of administrative expenses related thereto).

“(c) FISCAL YEAR 1997.—(1) There are authorized to be appropriated to the Secretary \$45,000,000 for fiscal year 1997, for carrying out section 26101 (including payment of administrative expenses related thereto).

“(2) There are authorized to be appropriated to the Secretary \$40,000,000 for fiscal year 1997, for carrying out section 26102 (including payment of administrative expenses related thereto).

“(d) FUNDS TO REMAIN AVAILABLE.—Funds made available under this section shall remain available until expended.

#### “§ 26105. Definitions

“For purposes of this chapter—

“(1) the term ‘financial assistance’ includes grants, contracts, and cooperative agreements;

“(2) the term ‘high-speed rail’ has the meaning given such term under section 511(n) of the Railroad Revitalization and Regulatory Reform Act of 1976;

“(3) the term ‘publicly financed costs’ means the costs funded after April 29, 1993, by Federal, State, and local governments;

“(4) the term ‘Secretary’ means the Secretary of Transportation;

“(5) the term ‘State’ means any of the several States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States; and

“(6) the term ‘United States private business’ means a business entity organized under the laws of the United States, or of a State, and conducting substantial business operations in the United States.”.

(b) CONFORMING AMENDMENTS.—(1) The table of chapters of subtitle V of title 49, United States Code, is amended by striking

the items relating to part D and inserting in lieu thereof the following:

**"PART D—HIGH-SPEED RAIL**

**"261. HIGH-SPEED RAIL ASSISTANCE ..... 26101**

**"PART E—MISCELLANEOUS**

**"281. LAW ENFORCEMENT ..... 28101".**

(2) The table of sections of chapter 281 of title 49, United States Code, as such chapter is redesignated by subsection (a)(1) of this section, is amended—

(A) by striking "26101" and inserting in lieu thereof "28101"; and

(B) by striking "26102" and inserting in lieu thereof "28102".

**SEC. 104. COLUMBUS AND GREENVILLE RAILWAY.**

45 USC 838  
note.

(a) **REDEMPTION OF OUTSTANDING OBLIGATIONS AND LIABILITIES.**—Notwithstanding any other provision of law, the Secretary of Transportation, or the Secretary of the Treasury, if a holder of any of the obligations, shall allow the Delta Transportation Company, doing business as the Columbus and Greenville Railway, to redeem the obligations and liabilities of such company which remain outstanding under sections 505 and 511 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 825 and 831, respectively).

(b) **VALUE.**—For purposes of subsection (a), the value of each of the obligations and liabilities shall be an amount equal to the value established under the Federal Credit Reform Act of 1990 (2 U.S.C. 661 et seq.).

## **TITLE II—RAIL SAFETY**

Federal  
Railroad  
Safety  
Authorization  
Act of 1994.  
49 USC 20101  
note.

**SEC. 201. SHORT TITLE.**

This title may be cited as the "Federal Railroad Safety Authorization Act of 1994".

**SEC. 202. AUTHORIZATION OF APPROPRIATIONS.**

Section 20117(a)(1) of title 49, United States Code, is amended by adding after subparagraph (B) the following new subparagraphs:

"(C) \$68,289,000 for fiscal year 1995.

"(D) \$75,112,000 for fiscal year 1996.

"(E) \$82,563,000 for fiscal year 1997.

"(F) \$90,739,000 for fiscal year 1998."

**SEC. 203. HOURS OF SERVICE PILOT PROJECTS.**

(a) **AMENDMENT.**—Chapter 211 of title 49, United States Code, is amended by adding at the end the following new section:

**"§ 21108. Pilot projects**

"(a) **WAIVER.**—A railroad carrier or railroad carriers and all labor organizations representing any class or craft of directly affected covered service employees of the railroad carrier or railroad carriers, may jointly petition the Secretary of Transportation for approval of a waiver, in whole or in part, of compliance with this chapter, to enable the establishment of one or more pilot projects to demonstrate the possible benefits of implementing alternatives to the strict application of the requirements of this chapter

Federal  
Register,  
publication.

to such class or craft of employees, including requirements concerning maximum on-duty and minimum off-duty periods. Based on such a joint petition, the Secretary may, after notice and opportunity for comment, waive in whole or in part compliance with this chapter for a period of no more than two years, if the Secretary determines that such waiver of compliance is in the public interest and is consistent with railroad safety. Any such waiver may, based on a new petition, be extended for additional periods of up to two years, after notice and opportunity for comment. An explanation of any waiver granted under this section shall be published in the Federal Register.

“(b) REPORT.—The Secretary of Transportation shall submit to Congress, no later than January 1, 1997, a report that—

“(1) explains and analyzes the effectiveness of all pilot projects established pursuant to a waiver granted under subsection (a);

“(2) describes the status of all other waivers granted under subsection (a) and their related pilot projects, if any; and

“(3) recommends appropriate legislative changes to this chapter.

“(c) DEFINITION.—For purposes of this section, the term ‘directly affected covered service employees’ means covered service employees to whose hours of service the terms of the waiver petitioned for specifically apply.”

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 211 of title 49, United States Code, is amended by adding at the end the following new item:

“21108. Pilot projects.”

#### SEC. 204. CONFORMING AMENDMENT REGARDING HOURS OF SERVICE VIOLATIONS.

Section 21303(a)(1) of title 49, United States Code, is amended by inserting “or violating any provision of a waiver applicable to that person that has been granted under section 21108 of this title,” after “chapter 211 of this title”.

#### SEC. 205. TECHNICAL AMENDMENT REGARDING FEDERAL RAILROAD SAFETY.

Section 20111(c) of title 49, United States Code, is amended by inserting “this chapter or any of the laws transferred to the jurisdiction of the Secretary of Transportation by subsection (e) (1), (2), and (6)(A) of section 6 of the Department of Transportation Act, as in effect on June 1, 1994, or” after “individual’s violation of”.

#### SEC. 206. BIENNIAL FEDERAL RAILROAD SAFETY REPORTING.

(a) Section 20116 of title 49, United States Code, is amended—

(1) by striking in its heading “**Annual**” and inserting in lieu thereof “**Biennial**”;

(2) by striking “not later than July 1 of each year a report on carrying out this chapter for the prior calendar year. The report shall include the following information about the prior year” and inserting in lieu thereof “every two years, on or before July 1 of the year due, a comprehensive report on the administration of this chapter for the preceding two calendar years. The report shall include the following information about such calendar years”; and



(3) in paragraph (1), by inserting “, by calendar year” after “casualties by cause”.

(b) The item relating to section 20116 in the table of sections for chapter 201 of title 49, United States Code, is amended to read as follows:

“20116. Biennial report.”.

#### SEC. 207. REPORT ON BRIDGE DISPLACEMENT DETECTION SYSTEMS.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

##### “§ 20145. Report on bridge displacement detection systems

“Not later than 18 months after the date of enactment of the Federal Railroad Safety Authorization Act of 1994, the Secretary of Transportation shall transmit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report concerning any action that has been taken by the Secretary on railroad bridge displacement detection systems.”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

“20145. Report on bridge displacement detection systems.”.

#### SEC. 208. TRACK SAFETY.

Section 20142 of title 49, United States Code, is amended—

(1) in subsection (b), by striking “September 3, 1994” and inserting in lieu thereof “September 1, 1995”;

(2) in subsection (a)(1), by inserting “, including cold weather installation procedures” after “attendant structure”; and

(3) by adding at the end the following new subsection:

“(d) IDENTIFICATION OF INTERNAL RAIL DEFECTS.—In carrying out subsections (a) and (b), the Secretary shall consider whether or not to prescribe regulations and issue orders concerning—

“(1) inspection procedures to identify internal rail defects, before they reach imminent failure size, in rail that has significant shelling; and

“(2) any specific actions that should be taken when a rail surface condition, such as shelling, prevents the identification of internal defects.”.

#### SEC. 209. RESIDENCE OF EMPLOYEES.

The amendments made by section 7 of the Amtrak Reauthorization and Improvement Act of 1990 shall apply to all periods before and after the date of their enactment.

#### SEC. 210. INSTITUTE FOR RAILROAD SAFETY.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

##### “§ 20146. Institute for Railroad Safety

“The Secretary of Transportation, in conjunction with a university or college having expertise in transportation safety, shall establish, within one year after the date of enactment of the Federal Railroad Safety Authorization Act of 1994, an Institute for Railroad

49 USC 11504  
note.



Safety. The Institute shall research, develop, fund, and test measures for reducing the number of fatalities and injuries relevant to railroad operations. There are authorized to be appropriated to the Secretary \$1,000,000 for each of the fiscal years 1996 through 2000 to fund activities carried out under this section by the Institute, which shall report at least once each year on its use of such funds in carrying out such activities and the results thereof to the Secretary of Transportation and the Congress.”

(b) **TABLE OF SECTIONS AMENDMENT.**—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

“20146. Institute for Railroad Safety.”

#### **SEC. 211. WARNING OF CIVIL LIABILITY.**

(a) **AMENDMENT.**—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

##### **“§ 20147. Warning of civil liability**

“The Secretary of Transportation shall encourage railroad carriers to warn the public about potential liability for violation of regulations related to vandalism of railroad signs, devices, and equipment and to trespassing on railroad property.”

(b) **TABLE OF SECTIONS AMENDMENT.**—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

“20147. Warning of civil liability.”

#### **SEC. 212. RAILROAD CAR VISIBILITY.**

(a) **AMENDMENT.**—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

##### **“§ 20148. Railroad car visibility**

“(a) **REVIEW OF RULES.**—The Secretary of Transportation shall conduct a review of the Department of Transportation’s rules with respect to railroad car visibility. As part of this review, the Secretary shall collect relevant data from operational experience by railroads having enhanced visibility measures in service.

“(b) **REGULATIONS.**—If the review conducted under subsection (a) establishes that enhanced railroad car visibility would likely improve safety in a cost-effective manner, the Secretary shall initiate a rulemaking proceeding to prescribe regulations requiring enhanced visibility standards for newly manufactured and remanufactured railroad cars. In such proceeding the Secretary shall consider, at a minimum—

“(1) visibility of railroad cars from the perspective of nonrailroad traffic;

“(2) whether certain railroad car paint colors should be prohibited or required;

“(3) the use of reflective materials;

“(4) the visibility of lettering on railroad cars;

“(5) the effect of any enhanced visibility measures on the health and safety of train crew members; and

“(6) the cost/benefit ratio of any new regulations.

“(c) **EXCLUSIONS.**—In prescribing regulations under subsection (b), the Secretary may exclude from any specific visibility require-

ment any category of trains or railroad operations if the Secretary determines that such an exclusion is in the public interest and is consistent with railroad safety.”

(b) **TABLE OF SECTIONS AMENDMENT.**—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

“20148. Railroad car visibility.”

#### **SEC. 213. COORDINATION WITH THE DEPARTMENT OF LABOR.**

(a) **AMENDMENT.**—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

##### **“§ 20149. Coordination with the Department of Labor**

“The Secretary of Transportation shall consult with the Secretary of Labor on a regular basis to ensure that all applicable laws affecting safe working conditions for railroad employees are appropriately enforced to ensure a safe and productive working environment for the railroad industry.”

(b) **TABLE OF SECTIONS AMENDMENT.**—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

“20149. Coordination with the Department of Labor.”

#### **SEC. 214. POSITIVE TRAIN CONTROL SYSTEM PROGRESS REPORT.**

(a) **AMENDMENT.**—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

##### **“§ 20150. Positive train control system progress report**

“The Secretary of Transportation shall submit a report to the Congress on the development, deployment, and demonstration of positive train control systems by December 31, 1995.”

(b) **TABLE OF SECTIONS AMENDMENT.**—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

“20150. Positive train control system progress report.”

#### **SEC. 215. PASSENGER CAR SAFETY STANDARDS.**

(a) **AMENDMENT.**—Section 20133 of title 49, United States Code, is amended to read as follows:

##### **“§ 20133. Passenger cars**

“(a) **MINIMUM STANDARDS.**—The Secretary of Transportation shall prescribe regulations establishing minimum standards for the safety of cars used by railroad carriers to transport passengers. Before prescribing such regulations, the Secretary shall consider—

- “(1) the crashworthiness of the cars;
- “(2) interior features (including luggage restraints, seat belts, and exposed surfaces) that may affect passenger safety;
- “(3) maintenance and inspection of the cars;
- “(4) emergency response procedures and equipment; and
- “(5) any operating rules and conditions that directly affect safety not otherwise governed by regulations.

The Secretary may make applicable some or all of the standards established under this subsection to cars existing at the time the regulations are prescribed, as well as to new cars, and the Secretary

Regulations.

shall explain in the rulemaking document the basis for making such standards applicable to existing cars.

“(b) INITIAL AND FINAL REGULATIONS.—(1) The Secretary shall prescribe initial regulations under subsection (a) within 3 years after the date of enactment of the Federal Railroad Safety Authorization Act of 1994. The initial regulations may exempt equipment used by tourist, historic, scenic, and excursion railroad carriers to transport passengers.

“(2) The Secretary shall prescribe final regulations under subsection (a) within 5 years after such date of enactment.

“(c) PERSONNEL.—The Secretary may establish within the Department of Transportation 2 additional full-time equivalent positions beyond the number permitted under existing law to assist with the drafting, prescribing, and implementation of regulations under this section.

“(d) CONSULTATION.—In prescribing regulations, issuing orders, and making amendments under this section, the Secretary may consult with Amtrak, public authorities operating railroad passenger service, other railroad carriers transporting passengers, organizations of passengers, and organizations of employees. A consultation is not subject to the Federal Advisory Committee Act (5 U.S.C. App.), but minutes of the consultation shall be placed in the public docket of the regulatory proceeding.”

(b) TABLE OF SECTIONS AMENDMENT.—The item relating to section 20133 in the table of sections for chapter 201 of title 49, United States Code, is amended to read as follows:

“20133. Passenger cars.”

#### **SEC. 216. CONTRACT AND GRANT AUTHORITY.**

Section 103 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(e) Subject to the provisions of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.), the Secretary of Transportation may make, enter into, and perform such contracts, grants, leases, cooperative agreements, and other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and make such payments, by way of advance or reimbursement, as the Secretary may determine to be necessary or appropriate to carry out functions of the Federal Railroad Administration. The authority of the Secretary granted by this subsection shall be carried out by the Administrator. Notwithstanding any other provision of this chapter, no authority to enter into contracts or to make payments under this subsection shall be effective, except as provided for in appropriations Acts.”

#### **SEC. 217. TOURIST RAILROAD CARRIERS.**

Section 20103 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(f) TOURIST RAILROAD CARRIERS.—In prescribing regulations that pertain to railroad safety that affect tourist, historic, scenic, or excursion railroad carriers, the Secretary of Transportation shall take into consideration any financial, operational, or other factors that may be unique to such railroad carriers. The Secretary shall submit a report to Congress not later than September 30, 1995, on actions taken under this subsection.”

**SEC. 218. OPERATION LIFESAVER.**

Section 20117 of title 49, United States Code, is amended by adding at the end the following new subsection:

“(e) OPERATION LIFESAVER.—In addition to amounts otherwise authorized by law, there are authorized to be appropriated for railroad research and development \$300,000 for fiscal year 1995, \$500,000 for fiscal year 1996, and \$750,000 for fiscal year 1997, to support Operation Lifesaver, Inc.”.

**SEC. 219. RAILROAD TRESPASSING AND VANDALISM PREVENTION STRATEGY.**

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

**“§ 20151. Railroad trespassing and vandalism prevention strategy**

“(a) EVALUATION OF EXISTING LAWS.—In consultation with affected parties, the Secretary of Transportation shall evaluate and review current local, State, and Federal laws regarding trespassing on railroad property and vandalism affecting railroad safety, and develop model prevention strategies and enforcement laws to be used for the consideration of State and local legislatures and governmental entities. The first such evaluation and review shall be completed within 1 year after the date of enactment of the Federal Railroad Safety Authorization Act of 1994. The Secretary shall revise such model prevention strategies and enforcement codes periodically.

“(b) OUTREACH PROGRAM.—The Secretary shall develop and maintain a comprehensive outreach program to improve communications among Federal railroad safety inspectors, State inspectors certified by the Federal Railroad Administration, railroad police, and State and local law enforcement officers, for the purpose of addressing trespassing and vandalism problems on railroad property, and strengthening relevant enforcement strategies. This program shall be designed to increase public and police awareness of the illegality of, dangers inherent in, and the extent of, trespassing on railroad rights-of-way, to develop strategies to improve the prevention of trespassing and vandalism, and to improve the enforcement of laws relating to railroad trespass, vandalism, and safety.

“(c) MODEL LEGISLATION.—Within 18 months after the date of enactment of the Federal Railroad Safety Authorization Act of 1994, the Secretary, after consultation with State and local governments and railroad carriers, shall develop and make available to State and local governments model State legislation providing for—

“(1) civil or criminal penalties, or both, for vandalism of railroad equipment or property which could affect the safety of the public or of railroad employees; and

“(2) civil or criminal penalties, or both, for trespassing on a railroad owned or leased right-of-way.”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

“20151. Railroad trespassing and vandalism prevention strategy.”.

### **TITLE III—GRADE CROSSING SAFETY**

#### **SEC. 301. EMERGENCY NOTIFICATION OF GRADE CROSSING PROBLEMS.**

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

##### **“§ 20152. Emergency notification of grade crossing problems**

“(a) PILOT PROGRAMS.—The Secretary of Transportation shall conduct a pilot program to demonstrate an emergency notification system utilizing a toll free telephone number that the public can use to convey to railroad carriers, either directly or through public safety personnel, information about malfunctions or other safety problems at railroad-highway grade crossings. The pilot program, at a minimum—

“(1) shall include railroad-highway grade crossings in at least 2 States;

“(2) shall include provisions for public education and awareness of the program; and

“(3) shall require information to be posted at the railroad-highway grade crossing describing the emergency notification system and instructions on how to use the system.

The Secretary may, by grant, provide funding for the expense of information signs and public awareness campaigns necessary to demonstrate the notification system.

“(b) REPORT.—The Secretary shall complete the pilot program not later than 24 months after the date of enactment of this section, and shall submit to the Congress not later than 30 months after that date an evaluation of the pilot program, together with findings as to the effectiveness of such emergency notification systems. The report shall compare and contrast the structure, cost, and effectiveness of the pilot program with other emergency notification systems in effect within other States. Such evaluation shall include analyses of the safety benefits derived from the programs, cost effectiveness, and the burdens on participants, including railroad carriers and law enforcement personnel.”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

“20152. Emergency notification of grade crossing problems.”.

#### **SEC. 302. AUDIBLE WARNINGS AT HIGHWAY-RAIL GRADE CROSSINGS.**

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

##### **“§ 20153. Audible warnings at highway-rail grade crossings**

“(a) DEFINITIONS.—As used in this section—

“(1) the term “highway-rail grade crossing” includes any street or highway crossing over a line of railroad at grade;



"(2) the term "locomotive horn" refers to a train-borne audible warning device meeting standards specified by the Secretary of Transportation; and

"(3) the term "supplementary safety measure" refers to a safety system or procedure, provided by the appropriate traffic control authority or law enforcement authority responsible for safety at the highway-rail grade crossing, that is determined by the Secretary to be an effective substitute for the locomotive horn in the prevention of highway-rail casualties. A traffic control arrangement that prevents careless movement over the crossing (e.g., as where adequate median barriers prevent movement around crossing gates extending over the full width of the lanes in the particular direction of travel), and that conforms to standards prescribed by the Secretary under this subsection, shall be deemed to constitute a supplementary safety measure. The following do not, individually or in combination, constitute supplementary safety measures within the meaning of this subsection: standard traffic control devices or arrangements such as reflectorized crossbucks, stop signs, flashing lights, flashing lights with gates that do not completely block travel over the line of railroad, or traffic signals.

"(b) REQUIREMENT.—The Secretary of Transportation shall prescribe regulations requiring that a locomotive horn shall be sounded while each train is approaching and entering upon each public highway-rail grade crossing.

Regulations.

"(c) EXCEPTION.—(1) In issuing such regulations, the Secretary may except from the requirement to sound the locomotive horn any categories of rail operations or categories of highway-rail grade crossings (by train speed or other factors specified by regulation)—

"(A) that the Secretary determines not to present a significant risk with respect to loss of life or serious personal injury;

"(B) for which use of the locomotive horn as a warning measure is impractical; or

"(C) for which, in the judgment of the Secretary, supplementary safety measures fully compensate for the absence of the warning provided by the locomotive horn.

"(2) In order to provide for safety and the quiet of communities affected by train operations, the Secretary may specify in such regulations that any supplementary safety measures must be applied to all highway-rail grade crossings within a specified distance along the railroad in order to be excepted from the requirement of this section.

"(d) APPLICATION FOR WAIVER OR EXEMPTION.—Notwithstanding any other provision of this subchapter, the Secretary may not entertain an application for waiver or exemption of the regulations issued under this section unless such application shall have been submitted jointly by the railroad carrier owning, or controlling operations over, the crossing and by the appropriate traffic control authority or law enforcement authority. The Secretary shall not grant any such application unless, in the judgment of the Secretary, the application demonstrates that the safety of highway users will not be diminished.

"(e) DEVELOPMENT OF SUPPLEMENTARY SAFETY MEASURES.—

(1) In order to promote the quiet of communities affected by rail operations and the development of innovative safety measures at highway-rail grade crossings, the Secretary may, in connection with demonstration of proposed new supplementary safety measures,



order railroad carriers operating over one or more crossings to cease temporarily the sounding of locomotive horns at such crossings. Any such measures shall have been subject to testing and evaluation and deemed necessary by the Secretary prior to actual use in lieu of the locomotive horn.

“(2) The Secretary may include in regulations issued under this subsection special procedures for approval of new supplementary safety measures meeting the requirements of subsection (c)(1) of this section following successful demonstration of those measures.

“(f) SPECIFIC RULES.—The Secretary may, by regulation, provide that the following crossings over railroad lines shall be subject, in whole or in part, to the regulations required under this section:

“(1) Private highway-rail grade crossings.

“(2) Pedestrian crossings.

“(3) Crossings utilized primarily by nonmotorized vehicles and other special vehicles.

Regulations issued under this subsection shall not apply to any location where persons are not authorized to cross the railroad.

Regulations.

“(g) ISSUANCE.—The Secretary shall issue regulations required by this section pertaining to categories of highway-rail grade crossings that in the judgment of the Secretary pose the greatest safety hazard to rail and highway users not later than 24 months following the date of enactment of this section. The Secretary shall issue regulations pertaining to any other categories of crossings not later than 48 months following the date of enactment of this section.

“(h) IMPACT OF REGULATIONS.—The Secretary shall include in regulations prescribed under this section a concise statement of the impact of such regulations with respect to the operation of section 20106 of this title (national uniformity of regulation).”.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

“20153. Audible warnings at highway-rail grade crossings.”.

Approved November 2, 1994.

---

**LEGISLATIVE HISTORY—H.R. 4867 (S. 839):**

HOUSE REPORTS: No. 103-692 (Comm. on Energy and Commerce).

SENATE REPORTS: No. 103-208 accompanying S. 839 (Comm. on Commerce, Science, and Transportation).

CONGRESSIONAL RECORD, Vol. 140 (1994):

Aug. 16, considered and passed House.

Aug. 18, considered and passed Senate, amended, in lieu of S. 839.

Oct. 6, House concurred in Senate amendment with an amendment.

Oct. 8, Senate concurred in House amendment.