To direct the Secretary of Transportation to carry out activities to improve rail safety, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. BLUMENTHAL (for himself, Mr. SCHUMER, Mrs. GILLIBRAND, and Mr. MURPHY) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To direct the Secretary of Transportation to carry out activities to improve rail safety, and for other purposes.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; REFERENCES TO TITLE 49, UNITED STATES CODE.

(a) Short Title.—This Act may be cited as the “Rail Safety Improvement Act of 2014”.

(b) Table of Contents.—The table of contents of this Act is as follows:
Sec. 1. Short title; table of contents; references to title 49, United States Code.
Sec. 2. Authorization of appropriations.
Sec. 3. Requirement for uniform operating rules.
Sec. 4. Rail safety technology.
Sec. 5. Fatigue mitigation.
Sec. 6. Transportation of flammable liquids by rail.
Sec. 7. Amendments to the Safety Appliance Law.
Sec. 8. Amendments to the Locomotive Inspection Law.
Sec. 9. Repair and replacement of damaged track inspection equipment.
Sec. 10. Commuter rail track inspections.
Sec. 11. Automated track geometry inspections.
Sec. 12. Speed enforcement.
Sec. 13. Unintentional movement.
Sec. 14. Rail safety oversight improvements.
Sec. 15. Reports on statutory mandates and recommendations.
Sec. 16. Operation deep dive; report.
Sec. 17. Use of certain reports and surveys.
Sec. 18. Authorization of appropriations; miscellaneous.
Sec. 19. Enforcement.
Sec. 20. Confidential close call reporting systems.
Sec. 21. Freight train crew size.

(c) REFERENCES TO TITLE 49, UNITED STATES CODE.—Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

SEC. 2. AUTHORIZATION OF APPROPRIATIONS.

Section 20117(a) is amended to read as follows:

“(a) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated to the Secretary of Transportation to carry out this part and to carry out responsibilities under chapter 51 as delegated or authorized by the Secretary—

“(A) $225,000,000 for fiscal year 2015;
“(B) $245,000,000 for fiscal year 2016;

“(C) $266,000,000 for fiscal year 2017;

“(D) $289,000,000 for fiscal year 2018;

“(E) $293,000,000 for fiscal year 2019;

and

“(F) $300,000,000 for fiscal year 2020.

“(2) Inspection Vehicles.—With amounts appropriated pursuant to paragraph (1), the Secretary, in addition to providing further funding for previously purchased automated inspection vehicles as needed, shall purchase or lease automated rail integrity inspection vehicles, Gage Restraint Measurement System vehicles, and automated track geometry vehicles or other comparable technology as needed, including technology that may be added onto an existing railcar or vehicle, to assess rail and track safety.

“(3) Facility for Underground Rail Station and Tunnel.—There are authorized to be appropriated to the Secretary such sums as may be necessary for the period encompassing fiscal years 2015 through 2020 to design, develop, and construct the Facility for Underground Rail Stations and Tunnels at the Transportation Technology Center in Pueblo, Colorado. The facility shall be used to test
and evaluate the vulnerabilities of above-ground and
underground rail tunnels to prevent accidents and
incidents in such tunnels, to mitigate and remediate
the consequences of any such accidents or incidents,
and to provide a realistic scenario for training emer-
gency responders.

“(4) RAIL SECURITY.—Such sums as may be
necessary from the amount appropriated pursuant to
paragraph (1) for each of the fiscal years 2015
through 2020 shall be made available to the Sec-
retary for personnel in regional offices and in Wash-
ington, D.C., whose duties primarily involve rail se-
curity.”.

SEC. 3. REQUIREMENT FOR UNIFORM OPERATING RULES.

(a) AMENDMENT.—Subchapter II of chapter 201 is
amended by adding after section 20167 the following:

“§ 20168. Uniform operating rules

“(a) IN GENERAL.—The Secretary of Transportation
may promulgate regulations or issue orders to require in
small geographic areas, as defined by the Secretary, where
2 or more railroads serve as host railroads for joint oper-
ations that occur within a small geographic area, all such
host railroads in the small geographic area to develop uni-
form operating rules governing all operations within the
small geographic area with respect to—
“(1) signal aspects and indications, such that no aspect represents multiple indications for any operations within the small geographic area;

“(2) after-arrival mandatory directives, such that the use of an after-arrival mandatory directive is prohibited for any operations in non signaled territory within the small geographic area; and

“(3) forms used to convey track authority, such that track authority for any operations within the small geographic area is conveyed using an identical set of forms.

“(b) CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary to promulgate regulations or issue orders under other law.”.

(b) CONFORMING AMENDMENT.—The table of contents for subchapter II chapter 201 is amended by adding after the item relating to section 20167 the following:

“20168. Uniform operating rules.”.

SEC. 4. RAIL SAFETY TECHNOLOGY.

(a) RAILROAD SAFETY TECHNOLOGY GRANTS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—

Section 20158(c) is amended to read as follows:

“(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation the following amounts to carry out this section, to remain available until expended:
“(1) For fiscal year 2015, $1,000,000,000.

“(2) For fiscal year 2016, $1,000,000,000.

“(3) For each of fiscal years 2017 through 2020, $250,000,000.”.

(2) Matching Requirements.—Section 20158(b)(4) is amended by striking the period at the end and inserting “, except that Federal funds for an eligible project for the primary benefit of intercity rail passenger transportation or commuter rail passenger transportation may equal 100 percent of the total cost of that project.”.

(3) Grant Criteria; Considerations.—Section 20158(b)(2) is amended—

(A) in subparagraph (B), by striking “; or” and inserting a semicolon;

(B) in subparagraph (C), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

“(D) are submitted by applicants that demonstrate a history of making expenditures for capital projects related to railroad safety technology.”.

(b) Positive Train Control Systems.—
(1) Spectrum.—Subchapter II of chapter 201, as amended by section 3 of this Act, is further amended by adding at the end the following:

§ 20169. Electromagnetic spectrum

“Not later than 120 days after the date of enactment of the Rail Safety Improvement Act of 2014, the Secretary of Transportation and the Chairman of the Federal Communications Commission shall coordinate to assess spectrum needs and availability for implementing positive train control systems (as defined in section 20157). Such coordination may include conversations with external stakeholders.”.

(2) Conforming Amendment.—The table of contents for subchapter II of chapter 201, as amended by section 3 of this Act, is further amended by adding at the end the following:

“20169. Electromagnetic spectrum.”.

(3) Reports.—Section 20157(a) is amended by adding at the end the following:

“(3) Progress reports.—

“(A) In general.—Beginning 6 months after the date of enactment of the Rail Safety Improvement Act of 2014, and every 6 months thereafter until its positive train control system is certified by the Secretary under subsection (h), each railroad carrier and entity required to
submit a plan under paragraph (1) of this sub-
section shall provide a progress report to the
Secretary on the status of the plan.

“(B) CONTENTS.—A progress report under
subparagraph (A) shall include—

“(i) a section describing the total
number of positive train components re-
quired, the number of components that
have been completed as of the date of the
progress report, the number of components
that remain to be completed or imple-
mented, an estimated completion date for
each component that remains to be com-
pleted or implemented, and the overall
completion percentage; and

“(ii) a section describing—

“(I) the total number of safety-
related employees and equivalent rail-
road carrier contractors and sub-
contractors required to be trained, by
class and craft;

“(II) the minimum training
standards for the employees, contrac-
tors, and subcontractors under sub-
clause (I);
“(III) the percentage of employees, contractors, and subcontractors under subclause (I) that have completed training as of the date of the progress report;

“(IV) the percentage of employees, contractors, and subcontractors under subclause (I) that remain to be trained; and

“(V) the estimated completion date for the training under subclause (IV).

“(C) DEFINITIONS.—In this paragraph:

“(i) COMPONENT.—The term ‘component’ means a locomotive apparatus, wayside interface unit, switch, base station radio, wayside radio, locomotive radio, and any new and novel technology that is part of a positive train control system.

“(ii) MINIMUM TRAINING STANDARDS.—The term ‘minimum training standards’ means the knowledge of, and ability to comply with, Federal railroad safety laws and regulations and carrier
rules and procedures necessary to implement positive train control.

“(D) Website.—Not later than 30 days after receiving a progress report under this paragraph, the Secretary shall make the report available on the website of the Federal Railroad Administration.”.

(c) Alerters.—

(1) In general.—Subchapter II of chapter 201, as amended by subsection (b) of this section, is further amended by adding at the end the following:

“§ 20170. Alerters

“(a) In general.—Beginning 1 year after the date of enactment of the Rail Safety Improvement Act of 2014, a working alerter shall be required in the controlling locomotive of each passenger train in intercity rail passenger transportation (as defined in section 24102) or commuter rail passenger transportation (as defined in section 24102).

“(b) Regulations.—The Secretary may promulgate or revise existing regulations to specify the appropriate technical detail and essential functionalities of a working alerter, including the manner in which the alerter can be reset.”.
(2) CONFORMING AMENDMENT.—The table of contents for subchapter II of chapter 201, as amended by subsection (b) of this section, is further amended by adding at the end the following:

“20170. Alerters.”

(d) REDUNDANT SIGNAL PROTECTION.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall promulgate such regulations as the Secretary considers necessary to require that on-track safety programs, as described in subpart C of part 214 of title 49, Code of Federal Regulations, whenever practicable and consistent with other safety requirements and operational considerations, include requiring implementation of redundant signal protection, such as shunting, for maintenance-of-way work crews who depend on a train dispatcher to provide signal protection.

(e) INSTALLATION OF AUDIO AND IMAGE RECORDING DEVICES.—

(1) IN GENERAL.—Subchapter II of chapter 201, as amended by subsection (c) of this section, is further amended by adding at the end the following:

“§20171. Installation of audio and image recording devices

“(a) IN GENERAL.—Not later than 2 years after the date of enactment of the Rail Safety Improvement Act of 2014, each railroad carrier that is a Class I railroad and
each railroad carrier that provides intercity rail passenger
or commuter rail passenger transportation shall install
inward- and outward-facing audio and image recording de-
vices in all controlling locomotive cabs and cab car oper-
ating compartments.

“(b) REGULATIONS.—Not later than 1 year after the
date of enactment of the Rail Safety Improvement Act of
2014, the Secretary of Transportation shall promulgate
such regulations as the Secretary considers necessary to
implement this section. The regulations, at a minimum,
shall require—

“(1) a railroad carrier described in subsection
(a) to establish a program for the review and use of
in-cab audio and image recordings;

“(2) the program under paragraph (1) to be
submitted to the Secretary for review and approval;
and

“(3) privacy protections as determined appro-
priate by the Secretary, including limitations on the
public release of the recordings under subsection (f).

“(c) PROGRAMS.—

“(1) IN GENERAL.—Each program established
under subsection (b)(1) shall be limited to the pur-
poses under paragraph (2) of this subsection. A rail-
road carrier may not use in-cab audio or image re-
cordings or structure the program to retaliate
against an employee, or for selective enforcement.

“(2) PURPOSES.—A program established under
subsection (b)(1) shall limit the use of in-cab audio
and image recordings to the following purposes:

“(A) Assisting in an investigation into the
causation of a reportable accident.

“(B) Verifying that a train crew member’s
actions are in accordance with applicable safety
laws.

“(C) Counseling a train crew member if
the member’s actions are not in accordance
with applicable safety laws.

“(d) DETAIL AND FEATURES.—In promulgating the
regulations under this section, the Secretary shall specify
the appropriate technical detail and essential features of
the inward- and outward-facing audio and image recording
devices to provide for—

“(1) protection in the event of a crash or fire;

“(2) a minimum 12-hour continuous recording
capability;

“(3) recordings that are easily accessible for re-
view during an accident investigation; and

“(4) information captured by recording devices
to be recorded in a location remote from the control-
ling locomotive to maximize the likelihood of recovering the information after an accident.

“(e) OTHER RAILROAD CARRIERS.—

“(1) IN GENERAL.—Nothing in this section restricts the discretion of the Secretary to require railroad carriers other than those described in subsection (a) to install inward- and outward-facing audio and image recording devices in all controlling locomotive cabs and cab car operating compartments. In exercising such discretion, the Secretary shall consider, at a minimum, the safety performance of the railroad carrier.

“(2) VOLUNTARY PROGRAM ESTABLISHMENT.—Any railroad carrier other than a railroad carrier described in subsection (a) may voluntarily establish a program under this section. This section, and any regulations promulgated under this section, shall apply to a program that is voluntarily established.

“(f) CONFIDENTIALITY OF RECORDINGS.—In accordance with section 552(b)(3) of title 5, the Secretary may not disclose publicly any part of an in-cab audio or image recording that the Secretary obtains as part of an accident or other investigation.”.

(2) CONFORMING AMENDMENT.—The table of contents for subchapter II of chapter 201, as
amended by subsection (c) of this section, is further amended by adding at the end the following:

“20171. Installation of audio and image recording devices.”.

3 SEC. 5. FATIGUE MITIGATION.

(a) REGULATION ON FATIGUE MANAGEMENT PLANS.—Not later than 180 days after the promulgation of the final regulation implementing the requirement for risk reduction plans under section 20156(a) of title 49, United States Code, or for 10-year technology implementation plans under section 20156(e) of that title, whichever is later, the Secretary of Transportation shall promulgate such regulations as are necessary to implement the requirement for fatigue management plans under section 20156(f) of that title.

(b) COST-BENEFIT ANALYSIS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall conduct a comprehensive cost-benefit analysis to evaluate the development of hours of service requirements for all train, signal, and dispatching service employees based on fatigue sciences.

(2) ASSUMPTIONS.—In performing the cost-benefit analysis, the Secretary of Transportation may—

(A) contemplate hours of service requirements for the employees described in paragraph
(1) that are based on sound, up-to-date scientific information regarding fatigue measurement, employee work and sleep, and accident risk; and

(B) contemplate requirements that differ from the requirements under chapter 211 of title 49, United States Code.

(3) CONSIDERATIONS.—In performing the cost-benefit analysis, the Secretary of Transportation shall consider the costs, benefits, and other effects associated with the requirements contemplated in paragraph (2), including—

(A) the impact on train accidents, including fatalities, injuries, and property damage;

(B) the impact on staffing, schedules, and other railroad operations;

(C) the impact on employees’ salaries, earning opportunities, and other compensation;

(D) the impact on customer needs, such as predictability of service;

(E) the impact on productivity and competitiveness;

(F) the impact on recordkeeping and other railroad administration;
(G) the impact of consecutive days worked and work performed during night hours on the potential for fatigue and risk of accidents;

(H) one-time versus reoccurring costs;

(I) whether an effect disproportionately impacts a class of railroad;

(J) the cost-effectiveness of existing railroad fatigue management initiatives;

(K) the extent to which the application of modern fatigue science to hours of service requirements is consistent with the railroad operating environment; and

(L) such other effects as the Secretary of Transportation considers appropriate.

(4) REPORT.—Not later than 60 days after the cost-benefit analysis is complete, the Federal Railroad Administration shall post a report on its website that summarizes the results of the cost-benefit analysis, describes any disproportionate costs or benefits to a particular class of railroad, and recommends any changes to the current hours of service law.
SEC. 6. TRANSPORTATION OF FLAMMABLE LIQUIDS BY RAIL.

(a) In GENERAL.—Chapter 51 is amended by inserting after section 5110 the following:

“§ 5111. Requirements for the operation of high-hazard flammable trains

“(a) In this section:

“(1) CLASS 3 FLAMMABLE LIQUID.—The term ‘Class 3 flammable liquid’ has the meaning given the term in section 173.120(a) of title 49, Code of Federal Regulations.

“(2) DISTRIBUTED POWER SYSTEM.—The term ‘distributed power system’ has the meaning given the term in section 229.5 of title 49, Code of Federal Regulations.

“(3) DOT SPECIFICATION 111 TANK CAR.—The term ‘DOT specification 111 tank car’ means a tank car that meets Department of Transportation Specification 111 standards but does not meet the requirements of Association of American Railroads Casualty Prevention Circular 1232.

“(4) HIGH-HAZARD FLAMMABLE TRAIN.—The term ‘high-hazard flammable train’ means a single train transporting 20 or more tank cars loaded with a Class 3 flammable liquid.
“(5) MAXIMUM EXTENT PRACTICABLE.—The term ‘maximum extent practicable’ has the meaning given the term in section 130.5 of title 49, Code of Federal Regulations.

“(6) STATE.—The term ‘State’ means a State of the United States or the District of Columbia.

“(7) TWO-WAY END-OF-TRAIN DEVICE.—The term ‘two-way end-of-train device’ has the meaning given the term in section 232.5 of title 49, Code of Federal Regulations.

“(8) WORST-CASE DISCHARGE.—The term ‘worst-case discharge’ has the meaning given the term in section 130.5 of title 49, Code of Federal Regulations.

“(b) NOTIFICATION REQUIREMENTS.—

“(1) IN GENERAL.—A railroad carrier may not operate a high-hazard flammable train in a State until the railroad carrier has provided the State Emergency Response Commission for the State or other appropriate State delegated entity, the Tribal Emergency Response Commission, as appropriate, and the County Emergency Management Commissioner or other appropriate county emergency response coordinator with—
“(A) a reasonable estimate of the number of high-hazard flammable trains that are expected to travel, per week, through each county within the State;

“(B) each route that the high-hazard flammable train will take within the State;

“(C) a description of the Class 3 flammable liquid being transported through the State;

“(D) all applicable emergency response information required under subparts C and G of part 172 of title 49, Code of Federal Regulations; and

“(E) the contact information, including name, title, telephone number, and address, for at least 1 individual at the railroad carrier responsible for serving as the point of contact for the State Emergency Response Commission or other appropriate State delegated entity, the Tribal Emergency Response Commission, if appropriate, the County Emergency Management Commissioner or other appropriate county emergency response coordinator, and any other relevant emergency responders related to the
railroad carrier’s transportation of high-hazard flammable trains.

“(2) Updates.—A railroad carrier shall update a notification under paragraph (1) prior to making any material change in the estimated number of high-hazard flammable trains that are expected to travel, per week, through a county within the State. For purposes of this paragraph, a ‘material change’ means an increase or decrease of 25 percent or more in the estimate of the number of high-hazard flammable trains from the number provided under paragraph (1)(A).

“(3) Copies to Department of Transportation.—A railroad carrier shall provide the information required under paragraph (1) to the Department of Transportation concurrently with the State Emergency Response Commission or other appropriate State delegated entity, as applicable.

“(4) FOIA.—The information provided to the Department of Transportation under paragraph (3) shall be considered a record and available to the public in accordance with section 552 of title 5, United States Code.

“(5) Penalties.—A railroad carrier violating this subsection or a regulation promulgated under
this subsection is liable to the United States Government for a civil penalty. The Secretary of Transportation may impose a civil penalty of up to $175,000 for each violation or for each day the violation continues.

“(c) SPEED RESTRICTIONS.—A railroad carrier operating a high-hazard flammable train shall—

“(1) except as provided under paragraph (2), adhere to a speed restriction of 50 miles per hour; and

“(2) adhere to a speed restriction of 40 miles per hour for each high-hazard flammable train—

“(A) with at least 1 DOT specification 111 tank car while the train operates in an area that has a population of more than 100,000 people, as determined by census population data; or

“(B) with at least 1 non-DOT specification tank car while the train operates in an area that has a population of more than 100,000 people, as determined by census population data.

“(d) REQUIRED EQUIPMENT.—
“(1) IN GENERAL.—A railroad carrier shall equip each high-hazard flammable train it operates with—

“(A) a two-way end-of-train device (as defined in section 232.5 of title 49, Code of Federal Regulations);

“(B) a distributed power system (as defined in section 229.5 of title 49, Code of Federal Regulations); or

“(C) an electronically controlled pneumatic brake system (as defined in section 232.5 of title 49, Code of Federal Regulations).

“(2) EXCEPTION.—Paragraph (1) shall not apply to the operation of a high-hazard flammable train that is limited to a maximum speed of 30 miles per hour.

“(3) CONSTRUCTION.—Nothing in this subsection shall be construed to limit the authority of the Secretary to promulgate regulations or issue orders under other law.

“(e) INSTALLATION OF WAYSIDE DEFECTIVE BEARING DETECTORS.—

“(1) IN GENERAL.—Subject to paragraph (2), each railroad carrier shall install wayside defective
bearing detectors at least every 40 miles along main line track—

“(A) that the railroad carrier owns or has been assigned maintenance responsibility under section 213.5 of title 49, Code of Federal Regulations; and

“(B) over which 1 or more high-hazard flammable trains are operated.

“(2) COMPLETION.—

“(A) PROGRESS REPORT.—Not later than 180 days after the date of enactment of the Rail Safety Improvement Act of 2014, a railroad carrier shall submit to the Secretary a report describing the progress the railroad carrier has made toward completion of the installation of wayside defective bearing detectors under paragraph (1).

“(B) COMPLETION DATE.—After reviewing the report submitted under subparagraph (A), the Secretary shall establish a date by which the railroad carrier must complete the installation of wayside defective bearing detectors under paragraph (1).

“(3) EXCEPTION.—Paragraph (1) shall not apply to any situation in which the Secretary deter-
mines that track configuration or other safety considerations dictate otherwise.

“(f) INSPECTIONS.—A railroad carrier shall—

“(1) conduct at least 2 automated track geometry inspections each calendar year on main line track—

“(A) that the railroad carrier owns or has been assigned maintenance responsibility under section 213.5 of title 49, Code of Federal Regulations; and

“(B) over which a high-hazard flammable train is operated;

“(2) perform at least 1 additional internal rail inspection each calendar year than is required under section 213.237(e) of title 49, Code of Federal Regulations on main line track—

“(A) that the railroad carrier owns or has been assigned maintenance responsibility under section 213.5 of title 49, Code of Federal Regulations; and

“(B) over which a high-hazard flammable train is operated; and

“(3) perform at least 1 additional track inspection per week than is required under section
213.233(c) of title 49, Code of Federal Regulations, on each main line track—

“(A) that the railroad carrier owns or has been assigned maintenance responsibility under section 213.5 of title 49, Code of Federal Regulations; and

“(B) over which a high-hazard flammable train is operated.”.

(b) CONFORMING AMENDMENT.—The table of contents for chapter 51 is amended by adding after the item relating to section 5110 the following:

“5111. Requirements for the operation of high-hazard flammable trains.”.

(c) OIL SPILL PREVENTION AND RESPONSE PLANS.—

(1) SUBMISSION AND APPROVAL PROCEDURES.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations to require approval of each oil spill prevention and response plan submitted or resubmitted to the Federal Railroad Administrator (for tank cars) to ensure it meets all the requirements of part 130 of title 49, Code of Federal Regulations, as revised under paragraph (2) of this subsection. The regulations shall include notice of, and an opportunity to respond to, including the opportunity for an informal conference, any al-
leged plan deficiencies or proposed plan revisions
and an opportunity to correct any plan deficiencies.

(2) REGULATIONS.—Not later than 180 days
after the date of enactment of this Act, the Sec-
retary of Transportation shall revise the regulations
under part 130 of the Code of Federal Regulations
(relating to oil spill prevention and response plans)
to modify the 1,000 barrels (42,000 gallons) thresh-
hold for a comprehensive oil spill prevention and re-
response plan to account for worst-case discharges re-
resulting from accidents involving unit trains or blocks
of 20 or more tank cars.

(d) POSITIVE TRAIN CONTROL.—Section
20157(a)(1) is amended—

(1) by striking “Not later than 18 months after
the date of enactment of the Rail Safety Improve-
ment Act of 2008, each” and inserting “Each”;.

(2) in subparagraph (B), by striking “; and”
and inserting a semicolon;

(3) by redesignating subparagraph (C) as sub-
paragraph (D); and

(4) by inserting after subparagraph (B), the
following:

“(C) its main line over which 20 or more
tank cars loaded with petroleum crude oil, Class
3 (as described in section 172.101 of title 49, Code of Federal Regulations) are transported; and’’.

(e) **Short Line and Regional Railroad Safety Grants.**—Section 20108 is amended by adding at the end the following:

‘‘(d) **Short Line and Regional Railroad Safety Initiative.**—

‘‘(1) **Grants Authorized.**—The Secretary may award grants to private or nonprofit organizations involved in, or affiliated with, transportation by Class II or Class III railroads.

‘‘(2) **Use of Funds.**—Grant funds awarded under this subsection shall be used for research, development, testing, evaluation, and training efforts that are designed to enhance rail safety practices and safety culture.

‘‘(3) **Authorization of Appropriations.**—

‘‘(A) **Fiscal Year 2015.**—There is authorized to be appropriated to the Secretary $2,000,000 for fiscal year 2015 for grants under this subsection.

‘‘(B) **Fiscal Year 2016 through 2019.**—

There is authorized to be appropriated to the Secretary such sums as may be necessary for
each of the fiscal years 2016 through 2019 for
grants under this subsection.

“(C) Availability.—Amounts appropriated under this paragraph shall remain available until expended.”.

(f) Accident Analysis and Mitigation.—With amounts appropriated under section 20117(a) of title 49, United States Code, the Secretary of Transportation shall conduct accident analysis and mitigation research to examine—

(1) how the safety risks of transporting energy products by rail changes from source to destination;

(2) the likelihood and consequences of accidents during pre-treatment, classification, loading, transit, and unloading;

(3) mitigation strategies to reduce identified risks throughout the supply chain, including—

(A) regulation and enforcement;

(B) more accurate classification methods;

(C) alternative routing;

(D) reduced speeds;

(E) improved braking;

(F) improved tank car crashworthiness;

and

(G) better informed emergency responders.
(g) Research on Tank Car Safety.—With amounts appropriated under section 20117(a) of title 49, United States Code, the Secretary of Transportation shall supplement research conducted by the Pipeline and Hazardous Materials Safety Administration on the development of a Liquefied Natural Gas bulk tank car and locomotive tender designs by conducting full-scale impact tests to assess performance, puncture resistance, and validate computer simulations.

SEC. 7. AMENDMENTS TO THE SAFETY APPLIANCE LAW.

(a) Moving Defective and Insecure Vehicles Needing Repairs.—

(1) In General.—Section 20303 is amended by adding at the end the following:

“(d) Definition of Nearest.—The term ‘nearest’ means the closest in the forward direction of travel for the defective or insecure vehicle.”.

(2) Technical Amendments.—Section 20303(a)(2) is amended by striking “clause (1) of this subsection” and inserting “paragraph (1)”.

(b) Exemption for Technological Improvements.—Section 20306 is amended—

(1) in subsection (b)(1), by striking “; or” and inserting a semicolon;
SEC. 8. AMENDMENTS TO THE LOCOMOTIVE INSPECTION LAW.

(a) REQUIREMENTS FOR USE.—Section 20701 is amended—

(1) by inserting “(a) IN GENERAL.—” before “A railroad carrier” and indenting appropriately;

(2) in subsection (a)(2), as redesignated, by striking “; and” and inserting a semicolon;

(3) in subsection (a)(3), as redesignated, by striking the period and inserting “; and”;

(4) in subsection (a), as redesignated, by adding at the end the following:

“(4) are of a unique design or utilize a new power source technology that has been approved in advance by the Secretary.”; and

(5) by adding at the end the following:

“(b) DEFINITION OF NEW POWER SOURCE TECHNOLOGY.—For the purposes of subsection (a)(4), the term ‘new power source technology’ means a technology that

September 9, 2014 (7:58 p.m.)
employs a source of motive power other than diesel fuel, electricity, or steam.”.

SEC. 9. REPAIR AND REPLACEMENT OF DAMAGED TRACK INSPECTION EQUIPMENT.

(a) In General.—Subchapter I of chapter 201 is amended by adding after section 20120 the following:

“§ 20121. Repair and replacement of damaged track inspection equipment

“The Secretary of Transportation may receive and expend cash, or receive and utilize spare parts and similar items, from non-United States Government sources to repair damages to or replace United States Government owned automated track inspection cars and equipment as a result of third-party liability for such damages, and any amounts collected under this section shall be credited directly to the Railroad Safety and Operations account of the Federal Railroad Administration, and shall remain available until expended for the repair, operation, and maintenance of automated track inspection cars and equipment in connection with the automated track inspection program.”.

(b) Conforming Amendment.—The table of contents for subchapter I of chapter 201 is amended by adding after section 21020 the following:

“20121. Repair and replacement of damaged track inspection equipment.”
SEC. 10. COMMUTER RAIL TRACK INSPECTIONS.

(a) IN GENERAL.—Subchapter II of chapter 201, as amended by section 4 of this Act, is further amended by adding at the end the following:

“§20172. Commuter rail track inspections

“(a) IN GENERAL.—When performing an inspection as required under subpart F of part 213 of title 49, Code of Federal Regulations, a railroad carrier providing commuter rail passenger transportation on high density commuter railroad lines (as described in section 213.233(b)(3) of title 49, Code of Federal Regulations) shall, at a minimum—

“(1) actually traverse each main line by vehicle or inspect each main line on foot at least once every 2 weeks; and

“(2) actually traverse and inspect each siding by vehicle or by foot at least once every month.

“(b) CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary to promulgate regulations or issue orders under other law.”.

(b) CONFORMING AMENDMENT.—The table of contents for subchapter II of chapter 201, as amended by section 4 of this Act, is further amended by adding at the end the following:

“20172. Commuter rail track inspections.”.

September 9, 2014 (7:58 p.m.)
SEC. 11. AUTOMATED TRACK GEOMETRY INSPECTIONS.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall promulgate such regulations as the Secretary considers necessary to require each railroad carrier to conduct at least 1 annual automated track geometry inspection on all high-tonnage routes (as defined by the Secretary), passenger train routes, and hazardous materials routes on main line track that the railroad carrier owns or has been assigned maintenance responsibility under section 213.5 of title 49, Code of Federal Regulations.

(b) EXCEPTIONS.—In promulgating the regulations under subsection (a), the Secretary of Transportation may provide an exception for a railroad carrier that demonstrates, to the Secretary’s satisfaction, that its inspection practices provide an equivalent level of safety benefit.

(c) CONSTRUCTION.—Nothing in this section shall be construed to limit the authority of the Secretary to promulgate regulations or issue orders under other law.

SEC. 12. SPEED ENFORCEMENT.

(a) AUTOMATED TRAIN CONTROL INSPECTIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary of Transportation shall promulgate regulations requiring each railroad carrier operating in automated train control territory to perform a regular inspection at each location that has a reduction of more than
20 miles per hour in the maximum authorized speed until
the Secretary has certified the railroad carrier’s positive
train control system under section 20157(h) of title 49,
United States Code.

(b) SIGNAGE.—Not later than 1 year after the date
of enactment of this Act, the Secretary of Transportation
shall promulgate regulations requiring the installation of
signs to warn train crews before they approach a location
where there is a permanent reduction of more than 20
miles per hour in the maximum authorized speed.

(c) REPORT.—Not later than 6 months after the date
of the enactment of this Act, the Secretary of Transport-
tation shall transmit to the Committee on Commerce,
Science, and Transportation of the Senate and the Com-
mittee on Transportation and Infrastructure of the House
of Representatives a report describing—

(1) the actions the railroad carriers have taken
in response to Safety Advisory 2013-08, entitled
Operational Tests and Inspections for Compliance
With Maximum Authorized Train Speeds and Other
Speed Restrictions; and

(2) the actions the Federal Railroad Adminis-
tration has taken to determine and ensure compli-
ance with that safety advisory.
SEC. 13. UNINTENTIONAL MOVEMENT.

Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall revise the regulations in section 232.103(n) of title 49, Code of Federal Regulations, relating to securement of unattended equipment, to incorporate those requirements under Federal Railroad Administration Emergency Order No. 28 (78 Fed. Reg. 48218; relating to establishing additional requirements for attendance and securement of certain freight trains and vehicles on mainline track or mainline siding outside of a yard or terminal) to the extent the Secretary considers practicable.

SEC. 14. RAIL SAFETY OVERSIGHT IMPROVEMENTS.

(a) RISK REDUCTION IMPLEMENTATION PLAN.—Not later than 60 days after the date of enactment of this Act, the Secretary of Transportation shall develop and submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives an implementation plan for the oversight of railroad safety risk reduction programs developed under section 20156 of title 49, United States Code. The plan shall contain—

(1) interim milestones for finalizing any regulation required to implement section 20156 of title 49, United States Code; and
(2) estimated timeframes for the review and approval of railroad safety risk reduction program components required under section 20156(d)(2) of title 49, United States Code.

(b) HUMAN CAPITAL PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall develop a long-range strategic human capital plan for the Federal Railroad Administration. The plan shall—

(A) identify and prioritize the Federal Railroad Administration’s human capital needs over a minimum of 5 years;

(B) align the human capital needs under subparagraph (A) with the Federal Railroad Administration’s safety mission; and

(C) include specific approaches for how the Secretary will ensure that the Federal Railroad Administration has enough inspectors to perform its current and future oversight work, including the implementation of requirements for positive train control and railroad safety risk reduction programs.

(2) CONSIDERATIONS.—In developing the plan, the Secretary shall consider—
(A) whether the Federal Railroad Administration’s staffing allocation process is flexible enough to respond to shifts in rail traffic volumes and patterns across different regions; and

(B) railroad industry trends, projected retirements, skill gaps, and training needs.

(3) REPORT.—Not later than 30 days after the plan is complete, the Secretary shall transmit a report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives that summarizes the contents of the plan and describes how the Secretary will prioritize resources to mitigate the largest rail safety oversight risks and to prevent rail accidents.

SEC. 15. REPORTS ON STATUTORY MANDATES AND RECOMMENDATIONS.

Section 106 of the Rail Safety Improvement Act of 2008 (49 U.S.C. 20101 note) is amended by striking “Not later than December 31, 2008, and annually thereafter, the Secretary” and inserting “Not later than 90 days after the date of enactment of the Rail Safety Improvement Act of 2014, and quarterly thereafter, the Administrator of the Federal Railroad Administration”.

September 9, 2014 (7:58 p.m.)
SEC. 16. OPERATION DEEP DIVE; REPORT.

(a) In General.—Not later than 60 days after the date of enactment of this Act, and quarterly thereafter until the completion date, the Administrator of the Federal Railroad Administration shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report on the progress of Metro-North Commuter Railroad in implementing the directives and recommendations issued by the Federal Railroad Administration in its March 2014 report to Congress, Operation Deep Dive Metro-North Commuter Railroad Safety Assessment. Not later than 30 days after the completion date, the Federal Railroad Administration shall submit a final report on the directives and recommendations to Congress.

(b) Definition of Completion Date.—For purposes of this section, the term “completion date” means the date that Metro-North Commuter Railroad has completed all of the directives and recommendations issued by the Federal Railroad Administration in its March 2014 report to Congress.

SEC. 17. USE OF CERTAIN REPORTS AND SURVEYS.

(a) In General.—Section 20119 of title 49, United States Code, is repealed.
(b) Conforming Amendment.—The table of contents for title 49, United States Code, is amended by striking the item relating to section 20119.

SEC. 18. AUTHORIZATION OF APPROPRIATIONS; MISCELLANEOUS.

(a) Highway-Rail Grade Crossing Safety Study.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to conduct a study of railroad operations that block highway-rail grade crossings, including the severity, frequency, and other characteristics of such blockages, to remain available until expended. For the purpose of this subsection, the term “highway-rail grade crossing” has the meaning given the term in section 20153(a) of title 49, United States Code.

(b) Train Length Study.—There are authorized to be appropriated to the Secretary of Transportation such sums as may be necessary to conduct a study of whether train length correlates with the severity and frequency of train derailments, to remain available until expended.

(c) Operation Lifesaver; Authorization of Appropriations.—Section 206(c) of the Rail Safety Improvement Act of 2008 (49 U.S.C. 22501 note) is amended to read as follows:
“(c) Authorization of Appropriations.—There are authorized to be appropriated to the Federal Railroad Administration for carrying out this section $1,500,000 for each of fiscal years 2015 through 2020.”

SEC. 19. ENFORCEMENT.

(a) Safety Sensitive Violations.—Not later than 180 days after the date of enactment of this Act, the Secretary of Transportation shall issue a statement of agency policy—

(1) defining the term “safety sensitive violation” for purposes of the amendments under subsection (c); and

(2) identifying in the penalty schedules those violations under chapter 201, chapters 203 through 209, and chapter 211 of title 49, United States Code, that meet the definition under paragraph (1) of this subsection.

(b) Notice and Comment.—The Secretary of Transportation may subject the statement of agency policy under subsection (a) to notice and comment, as the Secretary considers appropriate.

(c) Civil Penalties Increases.—

(1) Chapter 201 General Violations.—Section 21301(a) is amended—
(A) by inserting “, except that if the violation is a safety sensitive violation the amount of the penalty shall be at least $13,000” after “$25,000”;

(B) by striking “$25,000” and inserting “$500,000”;

(C) by striking “the amount may be not more than $100,000” and inserting “the amount shall be at least $1,000,000”; and

(D) in paragraph (3), by inserting “, or $13,000 if the violation is a safety sensitive violation,” after “$500”.

(2) CHAPTER 201 ACCIDENT AND INCIDENT VIO-LATIONS; CHAPTER 203 THROUGH 209 VIOLATIONS.—
Section 21302(a)(2) is amended—

(A) by inserting “, except that if the violation is a safety sensitive violation the amount of the penalty shall be at least $13,000” after “$25,000”;

(B) by striking “$25,000” and inserting “$500,000”; and

(C) by striking “the amount may be not more than $100,000” and inserting “the amount shall be at least $1,000,000”.

September 9, 2014 (7:58 p.m.)
(3) **CHAPTER 211 VIOLATIONS.**—Section 21303(a)(2) is amended—

(A) by inserting “, except that if the violation is a safety sensitive violation the amount of the penalty shall be at least $13,000” after “$25,000”;

(B) by striking “$25,000” and inserting “$500,000”; and

(C) by striking “the amount may be not more than $100,000” and inserting “the amount shall be at least $1,000,000”.

(4) **INFLATION ADJUSTMENTS; STATEMENTS OF AGENCY POLICY.**—The Secretary of Transportation shall issue a statement of agency policy adjusting the penalty schedules for violations of chapter 201, chapters 203 through 209, and chapter 211 of title 49, United States Code, as necessary to account for inflation, each time the Secretary is required by law to review the minimum and maximum civil monetary penalty for inflation under the Federal Civil Penalties Inflation Adjustment Act of 1990. The Secretary may subject the statement of agency policy to notice and comment, as the Secretary considers appropriate.
(d) Enforcement Report.—Section 20120(a)(2) is amended by inserting after “prior fiscal year,” the following: “for both ordinary and safety-sensitive violations.”

(e) Effective Date.—The amendments under subparagraphs (A) and (D) of subsection (c)(1), under subsection (c)(2)(A), and under subsection (c)(3)(A) shall take effect on the date that is 180 days after the date that the Secretary of Transportation defines the term “safety sensitive violation” under subsection (a).

SEC. 20. CONFIDENTIAL CLOSE CALL REPORTING SYSTEMS.

(a) In General.—Subchapter II of chapter 201, as amended by section 10, is further amended by adding at the end the following:

§ 20173. Confidential close call reporting systems

“(a) In General.—Not later than 2 years after the date of enactment of the Rail Safety Improvement Act of 2014, each applicable railroad carrier shall establish a confidential close call reporting system.

“(b) Regulations.—Not later than 1 year after the Rail Safety Improvement Act of 2014, the Secretary shall promulgate regulations setting forth the requirements for an applicable railroad carrier to follow in establishing a confidential close call reporting system program. The Secretary may use any information and experience gathered
through research and pilot programs on confidential close
call reporting systems in developing the regulations, in-
cluding continuing the use of third parties for the collec-
tion of close call reports and distribution of close call data.
The Secretary shall ensure that an applicable railroad car-
rier’s employees receive protection under its program from
any related Federal Railroad Administration enforcement
actions.

“(c) PROGRAM DEVELOPMENT AND OVERSIGHT.—

“(1) IN GENERAL.—Not later than 180 days
after the date of the final regulations under sub-
section (b), an applicable railroad carrier shall de-
velop a proposed program and submit it to the Sec-
retary for review and approval.

“(2) CONTENTS.—A railroad carrier shall de-
scribe its proposed program’s core principles and
values, explain the rights, roles, and responsibilities
of program stakeholders, identify concerns and inter-
ests, and describe how the program will operate.

“(3) REVIEW.—

“(A) IN GENERAL.—The Secretary shall
review and approve or disapprove each proposed
program within a reasonable amount of time. If
a proposed program is not approved, the Sec-
retary shall notify the applicable railroad car-
rier in writing as to the specific areas in which
the proposed program is deficient. The applicable railroad carrier shall correct all deficiencies within a reasonable period of time following receipt of written notice from the Secretary.

“(B) Updates.—An applicable railroad carrier shall update its program as needed and obtain the Secretary’s approval prior to making any major changes to its program.

“(C) Annual Reviews.—The Secretary shall conduct an annual review to ensure that each applicable railroad carrier is in compliance with its program.

“(d) Program Elements.—Each applicable railroad carrier shall—

“(1) provide a safe environment for its employees to report unsafe events and conditions;

“(2) for unsafe events and conditions reported within the scope of a confidential close call reporting system, ensure its employees are protected from railroad carrier discipline;

“(3) use information collected through the confidential close call reporting system to develop and implement targeted corrective actions, as appropriate; and
“(4) use information collected by the programs to supplement inspection data in identifying safety issues and emerging risks before they develop into accidents.

“(e) CONSENSUS.—

“(1) IN GENERAL.—Each applicable railroad carrier shall consult with, employ good faith with, and use its best efforts to reach agreement with all of its directly affected employees, including any non-profit employee labor organization representing a class or craft of directly affected employees of the applicable railroad carrier, on the development and implementation of the proposed program.

“(2) STATEMENTS.—If an applicable railroad carrier and its directly affected employees, including any nonprofit employee labor organization representing a class or craft of directly affected employees of the applicable railroad carrier, cannot reach consensus on the development and implementation of the proposed program, then directly affected employees and such organization may file a statement with the Secretary explaining their views on the proposed program on which consensus was not reached. The Secretary shall consider such views during review of the proposed program under subsection (e)(3)(A).
“(f) Voluntary Program Establishment.—Any railroad carrier that is not an applicable railroad carrier may voluntarily establish a program under this section. This section, and any regulations promulgated under this section, shall apply to a program that is voluntarily established.

“(g) Use of Data.—The Secretary may use the confidential close call reporting data—

“(1) when implementing or updating the Federal Railroad Administration’s National Inspection Plan;

“(2) when performing focused inspections; or

“(3) when developing agency rulemakings and guidance, as appropriate.

“(h) Definition of Applicable Railroad Carrier.—In this section, the term ‘applicable railroad carrier’ means—

“(1) a railroad carrier that is a Class I railroad;

“(2) a railroad carrier that has inadequate safety performance, as determined by the Secretary; or

“(3) a railroad carrier that provides intercity rail passenger or commuter rail passenger transportation.
“(i) Authorization of Appropriations.—There is authorized to be appropriated to the Secretary such sums as may be necessary to implement this section and support the nationwide implementation, as the Secretary determines appropriate, of confidential close call reporting system programs.”.

(b) Conforming Amendment.—The table of contents for subchapter II of chapter 201, as amended by section 10 of this Act, is further amended by adding at the end the following:

“20173. Confidential close call reporting systems.”.

SEC. 21. FREIGHT TRAIN CREW SIZE.

(a) In General.—Subchapter II of chapter 201, as amended by section 20 of this Act, is further amended by adding at the end the following:

§ 20174. Freight train crew size

“(a) In General.—No freight train or light engine used in connection with the movement of freight may be operated unless it has a crew of at least 2 individuals of which—

“(1) 1 individual is certified as a locomotive operator under section 20135; and

“(2) 1 individual is certified as a train conductor under section 20163.
“(b) DEFINITION OF LIGHT ENGINE.—In this section, the term ‘light engine’ means a locomotive operating without cars attached or with caboose only.”.

(b) CONFORMING AMENDMENT.—The table of contents for subchapter II of chapter 201, as amended by section 20 of this Act, is further amended by adding at the end the following:

“20174. Freight train crew size.”.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) of this section shall take effect on the date that is 30 days after the date of enactment of the Rail Safety Improvement Act of 2014.