

Section-by-Section Analysis of the Rail Safety Improvement Act of 2014

Section 1. Short Title; Table of Contents; References to Title 49, United States Code.

This section would state that the short title of this bill is the “Rail Safety Improvement Act of 2014,” establish a table of contents, and provide that all references in the bill are to title 49, United States Code, except as otherwise expressly provided.

Section 2. Authorization of Appropriations.

This section would reauthorize appropriations for Fiscal Year 2015 through Fiscal Year 2020 for the Federal Railroad Administration to carry out its rail and hazardous materials safety oversight responsibilities. This section would require the Secretary of Transportation to use amounts appropriated pursuant to this section to purchase or lease certain track or rail inspection equipment or other comparable technology. This section would authorize appropriations to construct a facility for underground rail stations and tunnels at the Transportation Technology Center in Pueblo, CO. This section would authorize appropriations to support Federal Railroad Administration personnel whose duties primarily involve rail security.

Section 3. Requirement for Uniform Operating Rules.

This section would authorize the Secretary of Transportation to promulgate regulations or issue orders to require railroads to develop uniform operating rules in small geographic areas, as defined by the Secretary, where two or more railroads serve as host railroads for joint operations. The use of after-arrival mandatory directives would be prohibited for any operations in non-signalized territory within such small geographic areas.

Section 4. Rail Safety Technology.

This section would reauthorize appropriations for Fiscal Year 2015 through Fiscal Year 2020 for the Railroad Safety Technology Grant Program. This section would amend the Railroad Safety Technology Grant Program by eliminating the match requirement for passenger rail projects and by prioritizing projects submitted by applicants that demonstrate a history of making capital investments in railroad safety technology.

This section would require the Secretary of Transportation and the Chairman of the Federal Communications Commission to coordinate to assess spectrum needs and availability for implementing positive train control systems.

This section would require railroad carriers to provide positive train control implementation progress reports to the Secretary of Transportation every 6 months until implementation is complete, as certified by the Secretary, and require the Secretary to make the reports available on the Federal Railroad Administration website.

This section would require that alerters be installed in the controlling locomotive of each intercity or commuter rail passenger train, and would authorize the Secretary of Transportation to promulgate regulations specifying the appropriate technical detail and functionalities of alerters, including the manner in which an alerter can be reset.

This section would require the Secretary of Transportation to promulgate regulations requiring that on-track safety programs include redundant signal protection, such as shunting, whenever practicable and consistent with safety and operational considerations.

This section would require certain railroads to install inward- and outward-facing audio and image recording devices in all controlling locomotive cabs and cab car operating compartments. The Secretary would be required to promulgate regulations governing the use of audio and image recordings, privacy protections, and technical details. The Secretary would be prohibited from publicly disclosing any part of an in-cab audio or image recording that is obtained as part of an accident or other investigation.

Section 5. Fatigue Mitigation.

This section would establish a deadline by which the Secretary of Transportation must promulgate regulations related to railroad fatigue management plans.

This section would require the Secretary of Transportation to conduct a comprehensive cost-benefit analysis to evaluate the development of scientifically-based hours of service requirements for all train, signal, and dispatching service employees. The Secretary would be required to consider the impacts of any scientifically-based hours of service requirements on various factors, and post report on the Federal Railroad Administration's website that summarizes the results of the analysis and includes any changes to the current hours of service law recommended by the Secretary.

Section 6. Transportation of Flammable Liquids by Rail.

This section would define certain terms relevant to the transportation of high-hazard flammable liquids by rail.

This section would prohibit a railroad carrier from operating a high-hazard flammable train until the railroad carrier provides notification to certain state, tribal, and county officials on the movement of such trains through a State. This section would require that copies of the notification be sent to the Department of Transportation and be made available to the public under the Freedom of Information Act. This section would establish a civil penalty of up to \$175,000 for a violation of the notification requirement.

This section would require railroad carriers operating high-hazard flammable trains to adhere to a general speed restriction of 50 miles per hour, and a further speed restriction of 40 miles per hour when operating such trains with at least one DOT-specification 111 tank car or non-DOT specification tank car within an area with a population greater than 100,000.

This section would require a railroad carrier to equip each high-hazard flammable train with either a two-way end-of-train device, a distributed power system, or an electronically controlled pneumatic brake system, unless the high-hazard flammable train is limited to a maximum speed of 30 miles per hour.

This section would require railroad carriers to install wayside defective bearing detectors at least every 40 miles along main line track over which a high-hazard flammable train operates, unless the Secretary of Transportation determines that track configuration or other safety considerations dictate otherwise.

This section would require railroad carriers to perform certain additional track and internal rail inspections on main lines over which a high-hazard flammable train is operated.

This section would require the Secretary of Transportation to revise current regulations to modify the threshold for comprehensive oil spill prevention and response plans to account for worst-case discharges from accidents involving unit trains or blocks of 20 or more tank cars, and require the Secretary to review and approve such plans.

This section would require certain railroad carriers to install positive train control on their main line routes over which 20 or more tank cars loaded with petroleum crude oil are transported.

This section would authorize the Secretary of Transportation to award grants designed to enhance rail safety practices and safety culture with respect to Class II or Class III railroads. This section would also require the Secretary to conduct research related to the transportation of energy products by rail.

Section 7. Amendments to the Safety Appliance Law.

This section would define the term ‘nearest’ in order to clarify the conditions under which a vehicle with defective or insecure equipment may be moved to make repairs without being subject to a civil penalty.

This section would authorize the Secretary of Transportation, by regulation, to exempt railroad equipment from the safety appliance requirements of chapter 203 of title 49, United States Code.

Section 8. Amendments to the Locomotive Inspection Law.

This section would prohibit a railroad carrier from operating a locomotive or tender on its railroad line, other than one that employs a power source of diesel fuel, electricity, or steam, unless it is approved in advance by the Secretary of Transportation.

Section 9. Repair and Replacement of Damaged Track Inspection Equipment.

This section would enable the Secretary of Transportation to accept and expend funds received from a third party to repair damages to United States Government-owned track inspection equipment when the third party is liable for such damages.

Section 10. Commuter Rail Track Inspections.

This section would eliminate the exemption for high density commuter railroads from existing track inspection requirements, requiring such railroads to actually traverse each main track by vehicle or inspect each main track on foot at least once every two weeks, and to actually traverse each siding by vehicle or inspect each siding on foot at least once every month.

Section 11. Automated Track Geometry Inspections.

This section would require the Secretary of Transportation to promulgate regulations requiring railroad carriers to conduct at least 1 annual automated track geometry inspection on all high-tonnage routes, passenger train routes, and hazardous materials routes.

Section 12. Speed Enforcement.

This section would require the Secretary of Transportation to promulgate regulations requiring railroad carriers operating in automated train control territory to perform regular inspections at each location that has a reduction of more than 20 miles per hour in the maximum authorized speed, until such time as the Secretary certifies the railroad carrier's positive train control system. This section would require the Secretary of Transportation to promulgate regulations requiring the installation of signs to warn train crews before approaching a location where there is a permanent reduction of more than 20 miles per hour in the maximum authorized speed. This section would require the Secretary of Transportation to transmit a report to Congress describing actions taken by railroad carriers in response to Safety Advisory 2013-08 (Operational Tests and Inspections for Compliance With Maximum Authorized Train Speeds and Other Speed Restrictions) and actions the Federal Railroad Administration has taken to determine and ensure compliance with that safety advisory.

Section 13. Unintentional Movement.

This section would require the Secretary of Transportation to revise regulations relating to the securing of unattended equipment to incorporate the additional requirements of Federal Railroad Administration Emergency Order No. 28.

Section 14. Rail Safety Oversight Improvements.

This section would require the Secretary of Transportation to develop an implementation plan for the oversight of railroad safety risk reduction programs required by section 20156(a). This section would require the Secretary of Transportation to develop a long-range strategic human capital plan for the Federal Railroad Administration.

Section 15. Reports on Statutory Mandates and Recommendations.

This section would amend section 106 of the Rail Safety Improvement Act of 2008 to require the Federal Railroad Administration to transmit quarterly reports to Congress on specific actions taken to implement unmet statutory mandates or open recommendations made by the National Transportation Safety Board or Inspector General of the Department of Transportation related to railroad safety.

Section 16. Operation Deep Dive; Report.

This section would require that the Federal Railroad Administration submit quarterly reports to Congress 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 on Operation Deep Dive.

Section 17. Use of Certain Reports and Surveys.

This section would repeal section 20119 of title 49, United States Code, relating to the Secretary of Transportation's authority to protect from discovery or admission into evidence in court proceedings information compiled by railroads in the development of safety risk reduction programs.

Section 18. Authorization of Appropriations; Miscellaneous.

This section would authorize the appropriation of such sums as may be necessary, to remain available until expended, for the Secretary of Transportation to conduct studies on railroad operations that block highway-rail grade crossings and the relationship between train length and derailments.

This section would amend section 206 of the Rail Safety Improvement Act of 2008 to reauthorize appropriations for Operation Lifesaver.

Section 19. Enforcement.

This section would require the Secretary of Transportation to define and identify violations of railroad safety laws and regulations that are "safety sensitive." This section would require a monetary civil penalty of at least \$13,000 for any such safety sensitive violation. This section would increase the maximum amount of an ordinary civil penalty to \$500,000, and establish a minimum penalty level of \$1 million for a grossly negligent violation or pattern of repeated

violations that causes an imminent hazard of death or injury or that has caused death or injury. This section would require the Secretary of Transportation to regularly adjust the penalty schedule for violations to account for inflation. This section would require the Secretary of Transportation to report to Congress on both ordinary and safety sensitive violations.

Section 20. Confidential Close Call Reporting Systems.

This section would require certain railroad carriers to establish confidential close call reporting system programs. This section would require the Secretary of Transportation to promulgate regulations setting forth requirements for carriers' programs, which would be subject to the Secretary's review and approval.

Section 21. Freight Train Crew Size.

This section would prohibit the operation of a freight train or light engine used in connection with freight unless it has a crew of at least 2 individuals consisting of a certified locomotive operator and a certified train conductor.