

## RAIL SAFETY LEGISLATION: OVERVIEW

### TITLE

The Rail Safety Improvement Act of 2014

### FRA OVERSIGHT

**Increasing funding for FRA safety and operations work:** Authorizes funding over six years for FRA’s rail safety and hazardous materials safety programs so that FRA will have the proper resources for rail safety inspection, improvement and oversight.

**Requiring greater FRA accountability for unmet statutory mandates and open recommendations:** Requires FRA to submit a report to Congress on a quarterly basis – rather than an annual basis, which is currently required by the Rail Safety Improvement Act of 2008 (RSIA) – on the status of outstanding statutory mandates in addition to open NTSB and IG recommendations and specific actions taken to implement the mandates; delegates the task of preparing the report to the FRA administrator rather than to the secretary of transportation in order to expedite the process and to stress the administrator’s accountability for meeting mandates and implementing recommendations; and requires FRA to develop a human capital plan and provide a report with milestones for completing regulatory action.

**Strengthening FRA’s enforcement powers by increasing civil penalties:** Requires identification of safety-sensitive violations; increases the minimum penalty for safety-sensitive violations from \$650 to \$13,000; increases the maximum penalty for an ordinary violation from \$25,000 to \$500,000; replaces the maximum penalty of \$105,000 for an aggravated violation with a minimum penalty of at least \$1,000,000; and ties the regulatory schedule of penalties to inflation.

### RAILROAD OPERATING PRACTICES

**Improving inspection practices of commuter railroads:** Requires commuter railroads to traverse each main track by vehicle or inspect each main track on foot at least once every two weeks and to traverse and inspect each siding, i.e., low-speed track distinct from main track, either by vehicle or on foot, at least once every month, as recommended by NTSB.

**Requiring greater use of automated inspection technology:** Requires FRA to issue a rule within one year of the bill’s enactment expanding current requirements and mandating the use of automated track inspections on “high-tonnage routes, passenger train routes, and hazardous materials routes,” as has been suggested by the NTSB.

**Requiring improved enforcement of speed restrictions:** Requires railroads with Automatic Train Control (ATC) to perform inspections at critical points and ensure the system is working properly; requires the installation of signs warning train crews that they are approaching areas of permanent

speed restrictions, per an NTSB recommendation; requires FRA to issue a report to Congress within six months of the bill's enactment revealing how railroads responded to its December 2013 industry safety advisory and any follow up steps the agency has taken to ensure travel at safe speeds.

**Harmonizing railroad operating rules in certain geographic areas with joint operations:** Gives FRA authority to implement regulations mandating that railroads operating on joint track in certain geographic areas create uniform operating signals; outlaws unsafe "after-arrival" mandatory directives in certain areas; and requires that identical forms be used to convey track authority, so that track authority (permission to be on the track) for any operations within the small geographic area is conveyed using an identical set of forms.

**Modernizing law governing movement of a train for repair purposes:** Clarifies that defective equipment must be moved in the forward direction of travel, thus eliminating the unsafe practice of moving defective trains backwards.

**Requires freight railroads to use a sufficient number of crew members:** Ensures that freight railroads have at least one conductor and one engineer on board, avoiding the unsafe practice of relying on just one person to operate an entire freight train.

## **TECHNOLOGY**

**Keeping the PTC mandate, bolstering resources for PTC implementation, and making railroads' PTC implementation status more transparent:** Leaves in place the implementation deadline of December 31, 2015 for current PTC requirements; authorizes \$3 billion in funding through the Railroad Safety Technology Grants program for PTC implementation and other advances; requires DOT and FCC to coordinate in addressing the need for spectrum for passenger and commuter railroads; requires railroads to provide FRA with PTC status reports; makes information on PTC status publicly available; and ensures PTC is implemented on crude oil routes.

**Mandating audio & image recording devices (cameras):** Requires the installation of inward- and outward-facing audio and image recording devices in locomotive cabs within two years (regulations within one year and industry action on those regulations within one year thereafter); requires the regular review and use of recordings by railroads in verifying that train crew actions are performed in accordance with safety rules and procedures, with appropriate limitations on privacy; requires that devices have a minimum 12-hour continuous recording capability and that all information captured by any required recorder also be maintained in a way to prevent the information from becoming unrecoverable as a result of an accident; and requires that procedures be established to ensure that regular review of any recordings is done in a manner that takes into consideration personal privacy concerns.

**Mandating alerters on passenger locomotives:** Requires that alerters be installed on all passenger controlling locomotives (which will include cab cars), regardless of the locomotive's age, the date on

which the locomotive was placed into service, or whether the locomotive operates on track with a signaling system within one year of the bill's enactment; and it gives DOT the flexibility to require more sophisticated devices as greater technology becomes available.

**Mandating redundant signal protections (shunts):** Requires DOT to issue regulations within one year of the bill's enactment mandating the implementation of redundant signal protection, such as shunts, for maintenance-of-way work crews who depend on a train dispatcher to provide signal protection (to the extent that such practice is consistent with safety and operational considerations).

## **FATIGUE**

**Expediting FRA action on fatigue management plans:** Requires FRA to finalize a rulemaking on fatigue management plans within 180 days of promulgation of the rule on forthcoming risk reduction plans (for freight railroads) or system safety plans (for passenger railroads) whichever occurs later, thus ensuring the FRA moves forward with the mandated rulemaking as quickly as possible.

**Analyzing crew scheduling practices to reduce fatigue:** Requires FRA to conduct a cost-benefit analysis within one year of enactment that would evaluate the development of scientifically based hours of service requirements for all freight train employees as well as passenger train signal and dispatching service employees.

## **METRO-NORTH**

**Requiring follow-up progress reports on Operation Deep Dive:** Requires FRA to provide a report to Congress within 90 days of the bill's enactment and quarterly thereafter on the progress Metro-North has made in implementing the directives and recommendations issued by FRA in the report; requires regular updates until Metro-North completes all of the directives and mandates in the report, and, at that time, requires FRA to provide Congress with a final report.

## **CRUDE OIL**

**Requiring implementation of PTC on crude oil routes:** Requires the implementation of PTC on routes carrying crude.

**Requiring carriers to have FRA-approved oil spill response plans:** Requires railroads to submit oil spill response plans to FRA; requires FRA to review and approve any plan.

**Increasing funding for crude oil-related research and development:** Authorizes an increase in funding for FRA's technology research and development efforts.

**Improving operating practices of trains transporting flammable liquids:** Implements speed restrictions for high-hazard flammable trains; requires use of distributed power, electronic pneumatic brakes or

end-of-train devices on high-hazard flammable trains; increases inspections on high-hazard flammable trains; and increases use of preventive technology on these trains.

**Codifying recent DOT and FRA emergency orders:** Requires FRA to issue rules governing the safe securement of certain unattended hazardous materials trains; requires railroads transporting flammable liquids to coordinate with emergency responders; and subjects railroads that violate the restriction to penalties of up to \$175,000 per day per violation.

## **MISCELLANEOUS**

**Requiring national roll out of confidential close call reporting system program and participation of freight, passenger and commuter railroads:** Mandates that all railroads that fall under the risk reduction program (Class I railroads, passenger and commuter railroads, and railroads with inadequate safety performance (as determined by the secretary)) establish a close call reporting system within two years of the bill's enactment; authorizes such funds as are necessary for DOT and FRA to expand their confidential close call reporting system pilot project nationwide.

**Ensuring greater transparency of railroad safety information:** Repeals a RSIA provision that grants FRA authority to protect information in risk reduction programs from discovery or admission into evidence.

**Giving FRA authority to receive third-party funds to repair damaged track inspection equipment:** Provides FRA with authority to accept and expend funds from a third party to repair damages to track inspection equipment caused by the third party.

**Ensuring a regulatory framework exists for the safe use of LNG locomotives:** Prohibits railroads from operating LNG locomotives or tenders until DOT has established a regulatory framework supporting the safe operation of such vehicles.

**Authorizing funds for Operation Lifesaver:** Provides an annual authorization to Operation Lifesaver to carry out its safety mission.

**Authorizing funds for safety-related studies:** Authorizes funds for a highway-rail grade crossing study; authorizes funds to study whether train length correlates with the severity and frequency of train derailments.