Commuter & Intercity Rail Legislative Subcommittee Meeting

Saturday, October 11, 2014
4:30 - 6:00 p.m.
Lanier Grand Ballroom, 4th Floor
Hilton Americas Houston

Joseph Giulietti, co-chair
Anna Barry, co-chair

AGENDA

- **Welcome and Introductions – Joe Giulietti and Anna Barry**

- **Follow-up / additional thoughts from Commuter Rail CEOs fall retreat**

- **Washington Update**
  - **General legislative update, appropriations, authorization, tax extenders, etc.**
  - **High-Hazard Flammable Trains (HHFT) rulemaking**

- **PRRIA/RSIA Reauthorization Discussion**
  - **Outlook for advancement of PRRIA in House**
  - **Outlook for advancement of RSIA in Senate**

- **Other Issues**

- **Adjourn**

<u>Packet Items</u>

1) USDOT Press Release – Comprehensive Proposed Rulemaking for the Safe Transportation of Crude Oil, Flammable Materials
2) Text – Passenger Rail Reform and Investment Act of 2014 (PRRIA), H.R. 5449
3) Summary Packet – Passenger Rail Reform and Investment Act of 2014 (PRRIA)
4) Text – Rail Safety Improvement Act of 2014 (RSIA), S. 2784
5) Section by Section Analysis – Rail Safety Improvement Act of 2014 (RSIA)

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Washington, DC 20590
http://www.dot.gov/briefingroom

News

DOT 67-14
Wednesday, July 23, 2014
Contact: DOT Press Office
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U.S. DOT Announces Comprehensive Proposed Rulemaking for the Safe Transportation of Crude Oil, Flammable Materials

Releases new data on Bakken crude oil to support increased safety measures

WASHINGTON – The U.S. Department of Transportation today released the details of its comprehensive rulemaking proposal to improve the safe transportation of large quantities of flammable materials by rail - particularly crude oil and ethanol - in the form of a Notice of Proposed Rulemaking (NPRM) and a companion Advanced Notice of Proposed Rulemaking (ANPRM).

The NPRM proposes enhanced tank car standards, a classification and testing program for mined gases and liquids and new operational requirements for high-hazard flammable trains (HHFT) that include braking controls and speed restrictions. Specifically, within two years, it proposes the phase out of the use of older DOT 111 tank cars for the shipment of packing group I flammable liquids, including most Bakken crude oil, unless the tank cars are retrofitted to comply with new tank car design standards. The ANPRM seeks further information on expanding comprehensive oil spill response planning requirements for shipments of flammable materials. Both the NPRM and ANPRM are available for review on www.regulations.gov and will now be open for 60 days of public comment. Given the urgency of the safety issues addressed in these proposals, PHMSA does not intend to extend the comment period.

"Safety is our top priority, which is why I've worked aggressively to improve the safe transport of crude oil and other hazardous materials since my first week in office," said Secretary Foxx. "While we have made unprecedented progress through voluntary agreements and emergency orders, today's proposal represents our most significant progress yet in developing and enforcing new rules to ensure that all flammable liquids, including Bakken crude and ethanol, are transported safely."

Today's NPRM is based on an ANPRM published by the Pipeline and Hazardous Materials Safety Administration (PHMSA) last September, and reflects feedback from more than 152,000 commenters. Specifically, PHMSA will seek comment on the following provisions:

Defining the term "high-hazard flammable train" (HHFT).

- Proposes a definition of HHFT as a train carrying 20 or more tank carloads of flammable liquids (including crude oil and ethanol).

Better classification and characterization of mined gases and liquids.

- Proposes development and implementation of a written sampling and testing program for all mined gases and liquids, such as crude oil, to address:
  (1) frequency of sampling and testing;

  (2) sampling at various points along the supply chain;

  (3) sampling methods that ensure a representative sample of the entire mixture;

  (4) testing methods to enable better analysis, classification, and characterization of material;

  (5) statistical justification for sample frequencies; and,

  (6) duplicate samples for quality assurance.
- Proposes that offerors be required to certify that sampling and testing program is in place, document the testing and sampling program, and makes program information available to DOT personnel, upon request.

Rail routing risk assessment.

- Proposes that carriers be required to perform a routing analysis for HHFT that would consider 27 safety and security factors and select a route based on findings of the route analysis.

Notification to State Emergency Response Commissions.

- Proposes to codify DOT's May 2014 emergency order that require trains containing one million gallons of Bakken crude oil to notify State Emergency Response Commissions (SERCs) or other appropriate state delegated entities about the operation of these trains through their States.

Reduced operating speeds.

- Requests comment on three speed restriction options for HHFTs that contain any tank cars not meeting the enhanced tank car standards proposed by this rule:
  (1) a 40-mph maximum speed restriction in all areas;
  (2) a 40-mph speed restriction in high threat urban areas[1]; and,
  (3) a 40-mph speed restriction in areas with a 100K+ population.
- If tank cars in the HHFT meet specifications finalized in the enhanced tank car section of this rule, speed would be limited to 50-mph in all areas (rather than 40-mph).
- PHMSA also will evaluate a 30-mph speed restriction for HHFTs that do not comply with enhanced braking requirements.

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[1] As defined in 49 CFR 1580.3 – High Threat Urban Area (HTUA) means an area comprising one or more cities and surrounding areas including a 10-mile buffer zone, as listed in appendix A to Part 1580 of the 49 CFR.

Enhanced braking.

- Proposes to require all HHFTs to be equipped with alternative brake signal propagation systems. Depending on the outcome of the tank car standard proposal and implementation timing, all HHFTs would be operated with either electronic controlled pneumatic brakes (ECP), a two-way end of train device (EOT), or distributed power (DP).

Enhanced standards for both new and existing tank cars.

- Proposes new standards for tank cars constructed after October 1, 2015 (and that are used to transport flammable liquids as part of a HHFT) (e.g., thermal, top fittings, and bottom outlet protection; tank head and shell puncture resistance). PHMSA is requesting comment on three options for enhanced tank car standard requirements:
    1. Tank car option 1 would have 9/16 inch steel, would be outfitted with electronically controlled pneumatic (ECP) brakes and would be equipped with rollover protection.
    2. Tank car option 2 would also have 9/16 inch steel but would not require ECP brakes or rollover protection.
    3. Tank car option 3 is based on a 2011 industry standard and has 7/16 inch steel, and does not require ECP brakes or rollover protection
- Proposes to require existing tank cars that are used to transport flammable liquids as part of a HHFT be retrofitted to meet the selected option for performance requirements. Those not retrofitted would be retired, repurposed, or operated under speed restrictions for up to five years, based on packing group assignment of the flammable liquids being shipped by rail.

PHMSA will concurrently publish an ANPRM on oil spill response plans, specifically current thresholds and their applicability to rail, in part in response to an NTSB recommendation issued in January 2014.

In addition to issuing the NPRM and ANPRM, PHMSA concurrently released a report summarizing the analysis of Bakken crude oil data gathered by PHMSA and FRA between August 2013 and May 2014. The data show that crude oil from the Bakken region in North Dakota tends to be more volatile and flammable than other crude oils. Collected as part of Operation Classification (OSD), a joint PHMSA and Federal Railroad Administration (FRA) effort, the data were initially gathered to verify that crude oil was being properly classified in accordance with federal regulations, and evolved to include more robust testing to better understand the characteristics of the product.

The safety risk presented by transporting Bakken crude oil by rail is magnified both by an increasing volume of Bakken being shipped by throughout the U.S. and the large distances over which the product is shipped. In 2008, 9,500 rail-carloads of crude moved through our country compared to last year, when there were 415,000 rail-carloads. Moreover, on average Bakken crude oil shipments travel over 1,000 miles from point of origin to refineries on the coasts.

PHMSA and FRA plan to continue the sampling and analysis activities of Operation Safe Delivery through the summer and fall of 2014working with the regulated community to ensure the safe transportation of crude oil across the nation.

Click here for additional information on the steps the Department of Transportation has already taken to help strengthen the safe transport of crude oil by rail.

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PRRIA

PASSENGER RAIL REFORM AND INVESTMENT ACT OF 2014

TRANSPORTATION & INFRASTRUCTURE COMMITTEE

The Importance of Reforming and Improving Our Intercity Passenger Rail

For nearly 100 years, America was the unquestioned global leader in passenger rail. During that time, trains were the primary – and in many cases the only – mode of transportation available for medium- and long-distance travel. However, the advent of commercial aviation and the Interstate Highway System provided legitimate transportation alternatives and changed the equation. In the face of this stiff competition, our Nation's passenger rail system faded into disuse and disrepair.

Today, however, passenger rail presents one of the best hopes for relieving our congested highways and airspace. In 2006, the Unites States population reached 300 million people, and by 2039 we are expected to break the 400 million mark. The population concentration in our urban areas is increasing, in particular on the eastern seaboard and the Northeast Corridor between Washington, DC, New York City, and Boston. Congestion costs also continue to rise. Crippling congestion and poor roads cost businesses and commuters almost $115 billion each year in wasted time and fuel – up from $24 billion in 1982. In addition, Americans spend more than 4 billion hours annually stuck in traffic.

It is clear the time for reforming and improving our intercity passenger rail system is now. To achieve success, we must build on the improvements we accomplished in the Passenger Rail Investment and Improvement Act of 2008 (PRIIA) and focus on those areas most in need of additional reform.

Passenger Rail Reform and Investment Act of 2014 Highlights

Passenger Rail plays an important role in our Nation's transportation network. There is simply no better way to move large numbers of people from city-center to city-center than on passenger rail. PRRIA 2014 improves our rail infrastructure, reduces costs, leverages private sector resources, creates greater accountability and transparency for Amtrak, and accelerates project delivery.

Reforms Amtrak to Increase Transparency, Reduce Costs, and Operate More Like a Business

- Reduces Amtrak's authorized funding levels by 40 percent
- Eliminates Amtrak's losses in food and beverage service
- Mandates Amtrak carry out a business case analysis for all major procurements
- Eliminates Amtrak's black-box accounting and requires transparent bookkeeping aligned with core service functions

Leverages Resources and Encourages Non-Federal Participation

- Creates station development opportunities for the private sector
- Opens new revenue streams through right-of-way development
- Unlocks an underutilized federal railroad loan program
- Assists with advancing large infrastructure projects through partnerships with states

Targets Investments Where There is the Greatest Potential for Success

- Keeps Northeast Corridor profits on the Northeast Corridor
- Improves management of the Northeast Corridor
- Incentivizes increased Northeast Corridor investments

Empowers States to Have a Greater Role in Managing Routes

- Ensures states are equal partners, giving them a greater say in decision making to ensure passengers get the best service
- Strengthens transparency to give states and Congress greater insight into Amtrak's accounting to identify areas for improvement
- Requires Amtrak to evaluate long-distance routes, improve services, and lower costs

Streamlines Environmental Reviews and Accelerates Project Delivery

- Sets hard deadlines to reasonably limit review times
- Requires reviews to occur concurrently rather than consecutively
- Improves coordination among federal, state, and local agencies involved in the reviews

Reforms Amtrak to Increase Transparency, Reduce Costs, and Operate More Like a Business

Over the years, Amtrak has operated under unrealistic fiscal expectations, and without a sufficient level of transparency. While PRIIA 2008 has taken some initial steps to improve Amtrak's financial condition, much more is required to achieve greater cost efficiencies and savings in passenger rail service, provide greater transparency at Amtrak, and ensure that the service operates like a true business. Specifically, PRRIA 2014:

Reduces Amtrak's authorized funding levels by 40 percent: Fiscal responsibility is a top priority. For decades, authorization bills have included unrealistic funding levels. PRRIA 2014 breaks this cycle by authorizing Amtrak at fiscally responsible, recently appropriated funding levels. This requires Amtrak to plan based on real, constrained funding levels — not overly optimistic targets that will never materialize.

Eliminates Amtrak's losses in food and beverage service: For years, Amtrak has operated its food and beverage service at a loss, ignoring mandates that this service must break even. PRRIA 2014 finally tackles this problem head-on by requiring that Amtrak implement a series of reforms that will reduce losses and grow revenue to eliminate this loss in five years. The bill will accomplish this by requiring:

- Improved product and supply chain efficiencies
- Strengthened training and accountability for staff
- Improving scheduling of food and beverage staff
- Ticket revenue enhancements

Mandates that Amtrak carry out a business case analysis for all major procurements: Amtrak has a checkered history with procurements, including problems with the Acela fleet procurement and lack of funding to complete an ongoing purchase of sleeping and baggage cars. While the company has made progress on planning, it has been inconsistent with carrying out business cases for major procurements. This is particularly problematic when Amtrak relies on annual federal appropriations to fund its capital budget. PRRIA 2014 addresses this problem by mandating that Amtrak conduct a business case prior to entering into any large capital acquisition.

Eliminates Amtrak's black-box accounting and requires transparent bookkeeping aligned with core service functions: While Amtrak is one company, it is a collection of many different functions. Currently federal appropriations are provided to only two broad accounts: a grant for operating subsidies and a grant for capital and debt service. Amtrak uses these broad accounts as a "black box," making it difficult to conduct oversight and for the company to operate efficiently. Amtrak's core service functions are operating the Northeast Corridor between Washington and Boston, and operating short- and long-distance services across the Nation. PRRIA 2014 breaks up the Amtrak black box by appropriating funding to the Northeast Corridor and the National Network. This will add transparency for Amtrak, the states, and Congress, and will match a reorganization Amtrak has been undertaking to more appropriately align people, processes, and budgets along those core services.

Leverages Resources and Encourages Non-Federal Participation

Current law limits the ability to partner with the private sector. These roadblocks hold back the development of our rail infrastructure. PRRIA 2014 breaks down barriers to unlock opportunities for increased non-federal investments and partnerships with the private sector. Specifically, PRRIA 2014:

Creates station development opportunities for the private sector: Rail stations are often located in desirable downtown locations and can become focal points for significant residential, commercial, and retail development. Amtrak owns many of these stations, but leveraging their potential for real estate development has been a low priority. PRRIA 2014 requires Amtrak to study the development opportunity of its stations, and then seek private sector partners to unlock their potential, thereby generating revenue to support passenger rail operations.

Opens new revenue streams through railroad corridor development: Amtrak owns the majority of the Northeast Corridor, which passes through some of the most densely populated areas of the country. The company also controls several other rail lines around the Nation. These railroad rights-of-way represent an untapped opportunity to partner with the private sector to generate additional non-passenger rail service revenue. Additional revenue would help reduce the need of federal subsidies and allow more private investment for passenger rail. PRRIA 2014 requires Amtrak to seek proposals from the private sector to utilize this valuable land, thereby delivering benefits to both parties.

Unlocks an underutilized federal railroad loan program: The Federal Railroad Administration (FRA) administers the Railroad Rehabilitation and Improvement Financing (RRIF) program, which provides long-term, low-interest loans for railroad-related improvements. While this program is authorized to provide up to $35 billion in lending, nearly all of it remains unused. Part of the lack of uptake stems from FRA's slow, cumbersome approval process. PRRIA 2014 addresses these long-standing concerns by adding process improvements like approval deadlines to add clarity and reliability for potential borrowers.

Assists with advancing large infrastructure projects through partnerships with states: The RRIF program is one way the federal government can partner with the states and Amtrak to advance large infrastructure projects that are difficult to carry out with annual appropriations. In particular, the Northeast Corridor, with its proven passenger rail and commuter rail ridership, is an ideal area to use innovative finance to address needed improvements. PRRIA 2014 dedicates a significant portion of the RRIF program to the NEC to incentivize states and localities to come to the table and seek loans to advance projects of national and regional significance.

Targets Investments Where There Is the Greatest Potential for Success

The Northeast Corridor (NEC) represents just two percent of the Nation's land area, but it accounts for 18 percent of the total U.S. population and 20 percent of the Nation's GDP. The NEC is also home to crippling congestion. Approximately 70 percent of chronically delayed flights in the U.S. emanate from the New York area airspace, and over 60 percent of NEC urban road miles are considered to be heavily congested. Amtrak owns most of the NEC rail corridor – the most highly trafficked rail corridor in the country with over 200 million riders per year. The NEC also acts as a valuable resource for states along the corridor. Of the nearly 2,000 daily trains per day that traverse the corridor, roughly 1,800 are non-Amtrak. This joint use highlights the need for greater reliability and efficiency, and presents opportunities for partnerships with states to improve this asset for all users.

Capital improvements are necessary to bring this incredibly valuable asset into a state of good repair and increase service reliability. However, Amtrak's profits from the NEC currently are not invested back into the corridor. PRRIA 2014 targets investment by keeping Amtrak's NEC profits on the NEC, improves management of the NEC by increasing partnerships with states, and incentivizes increased NEC investments. Specifically, the bill:

Keeps Northeast Corridor profits on the Northeast Corridor: Over the past decade, Amtrak has broken ridership and revenue records nearly every year along the NEC. In fact, Amtrak's NEC service is the only part of the system that makes a profit. In 2013, this profit was nearly $400 million, yet because Amtrak is currently structured and budgeted like a black box, those profits are not reinvested in the NEC. PRRIA 2014 dedicates all profits earned on the NEC to reinvestment on the corridor. This common sense approach ensures users of the corridor – the source of the profits – benefit from those revenues. This will allow Amtrak to begin to tackle their backlog of capital upgrades, and allow those revenues to be leveraged for innovative financing solutions.

Improves management of the Northeast Corridor: The NEC is one of the world's most complicated railroad corridors, with roughly 200 daily Amtrak trains and nearly 1,800 daily commuter trains. The last rail reauthorization created the Northeast Corridor Commission to act as the regional body to coordinate activities, and also required states to start contributing funds toward maintaining the corridor. PRRIA 2014 significantly advances these efforts by empowering the NEC Commission to act as a true planner and convener of the states, commuter railroads, and Amtrak. This enhanced governance structure will allow states to have an equal voice in the management of the corridor, and will ensure that all investments are coordinated.

Incentivizes increased Northeast Corridor investments: PRRIA 2014 includes two important incentives to encourage additional state and local contributions to improve Northeast Corridor infrastructure:

- A federal-state partnership grant program that authorizes $600 million over four years in federal grants, contingent on the NEC states contributing an equal amount in dedicated state and local funding. This funding will go towards a specific set of projects that would improve the performance and reliability of the Northeast Corridor.
- A dedicated loan fund for the NEC to jump-start large capital improvement projects that would never get funded through regular appropriations. This fund, within the existing RRIF program, will incentivize states and localities to identify dedicated revenue sources to leverage for long-term loans.

Empowers States to Have a Greater Role in Managing Routes

Amtrak continues to see significant ridership increases on its state-supported routes, which connect metropolitan areas less than 750 miles apart. However, an inconsistent financial structure for these routes and Amtrak's black-box accounting system hamper states' ability to help manage the routes and understand what exactly it is they're paying Amtrak for. To provide a greater decision-making role for states and provide greater accountability for Amtrak, PRRIA 2014:

Ensures states are equal partners, giving them a greater say in decision making to ensure passengers get the best service: Currently, Amtrak operates 21 state-supported routes in 19 states connecting metropolitan areas. State-supported routes account for nearly half of Amtrak's total ridership. While ridership has been successful, a patchwork of financial arrangements had developed between Amtrak and the states with varying levels of support. Section 209 of PRIIA 2008, however, required Amtrak to work with the states to develop and implement a single, nationwide standardized methodology for establishing and allocating the costs of providing intercity rail service on state-supported routes. Unfortunately, as states have begun to work with Amtrak to understand their financial books, states have realized that while they must pay for the service, they don't always know exactly what the underlying costs are for. PRRIA 2014 requires Amtrak to provide accurate, updated costs and service information to the states, including projections, to ensure states can properly manage the services for which they pay.

Strengthens transparency to give states and Congress greater insight into Amtrak's accounting to identify areas for improvement: Over the last forty years, Congress has continuously subsidized Amtrak with little opportunity to understand its black-box accounting. PRRIA 2014 requires Amtrak to open its books with detailed reporting to states on costs for their services. Furthermore, Amtrak is required to complete detailed five-year capital and financial plans, with annual explanations of how it met its prior year's goals. This will help Congress, states, and the taxpayer better understand and evaluate its return-on-investment in Amtrak.

Requires Amtrak to evaluate long-distance routes, improve services, and lower costs: Amtrak operates 15 long-distance trains over an 18,500 mile network serving 39 states, utilizing privately owned freight rail track. These trains, some of which only run once per week, are the worst performers in terms of ridership, cost-recovery, and on-time performance. PRIIA 2008 included several provisions to try to reduce the costs of these services, but no action on these provisions has been taken by the Administration. PRRIA 2014 makes it a condition of receiving federal subsidies that Amtrak have an independent entity evaluate its routes and develop methodologies to improve its services and reduce costs. Furthermore, the legislation introduces the opportunity for a substitute passenger rail provider to compete for Amtrak services and reduce the need for federal subsidies.

Streamlines Environmental Reviews and Accelerates Project Delivery

Unwieldy review processes cost us time and money and prevent action. Unnecessary delays can slow down the delivery of major projects and are triggered whenever federal money is involved in rail projects. Federal highway and transit projects have benefitted greatly from streamlined procedures, but rail programs remain mired in red tape. PRRIA 2014 streamlines environmental reviews to accelerate project delivery. Specifically, PRRIA 2014:

Requires concurrent reviews: As with any transportation project, rail projects can require participation by federal, state, local, and tribal entities, in addition to the public. Often participation in reviewing and permitting projects is done sequentially, such that a delay with one agency has cascading dilatory effects upon the entire process, costing time and money. PRRIA 2014 ensures that any agencies or entities with the responsibility to review or permit a rail project do so concurrently, eliminating the current practice of sequential reviews.

Sets hard deadlines for action: Often times in government, as in life, action is best spurred by deadlines. PRRIA 2014 requires the Secretary of Transportation to establish procedures for deadlines to be set in rail-related environmental reviews to ensure documentation is not languishing in an inbox awaiting bureaucratic action. Because time is money in infrastructure projects, doing so will lead to savings and create certainty for rail project sponsors.

Improves coordination: Upfront planning and coordination among the entities involved in rail project reviews, including simply knowing who must be involved, can be invaluable to the delivery of a project on-time and on-budget. PRRIA 2014 requires the Secretary of Transportation to identify early in the project review process exactly who must be involved and establish a coordination plan and schedule. This will enhance transparency in the process and improve coordination among all participants, including governmental entities, the private sector, and the public.

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-signaled 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 securement 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.