

AMENDMENT NO. _____ Calendar No. _____

Purpose: To modify the Federal cost share of highway-rail or pathway-rail grade crossing projects located along a bus route to a school or within 1 mile of a school under the Railroad Crossing Elimination Program.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 576

To enhance safety requirements for trains transporting hazardous materials, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. WARNOCK to the amendment (No. _____) proposed by Ms. CANTWELL (for herself and Mr. VANCE)

Viz:

1 At the end of section 104, add the following:

2 (f) RAILROAD CROSSING ELIMINATION PROGRAM.—

3 Section 22909 of title 49, United States Code, is amend-
4 ed—

5 (1) in subsection (f)(2)(C)—

6 (A) in clause (i), by striking “or” after the
7 semicolon;

8 (B) in clause (ii), by inserting “or” after
9 the semicolon at the end; and

10 (C) by adding at the end the following:

1 “(iii) a bus route to a school or within
2 1 mile of a school;”; and
3 (2) in subsection (g)—
4 (A) by striking “Except” and inserting the
5 following:
6 “(1) IN GENERAL.—Except”; and
7 (B) by adding at the end the following:
8 “(2) CERTAIN BUS ROUTES.—The Federal
9 share of the cost of a project given additional consid-
10 eration under subsection (f)(2)(C)(iii) may not ex-
11 ceed 85 percent.”.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To add a requirement relating to prompt inspections.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 576

To enhance safety requirements for trains transporting hazardous materials, and for other purposes.

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AMENDMENT intended to be proposed by Mr. BUDD to the amendment (No. _____) proposed by Ms. CANTWELL (for herself and Mr. VANCE)

Viz:

1 On page 16 of the amendment, strike lines 15
2 through 18 and insert the following:

3 “(a) IN GENERAL.—No railroad may limit the time
4 required for an employee to complete a railcar, locomotive,
5 or brake inspection to ensure that each railcar, locomotive,
6 and brake system complies with safety laws and regula-
7 tions.

8 “(b) REQUIREMENT.—Employees shall perform their
9 inspection duties promptly and shall not delay other than
10 for reasons related to safety.”


S.D.C.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To convene a meeting of the Railroad Safety Advisory Committee for the purpose of developing recommendations for improving the proper functioning of emergency brake signals.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 576

To enhance safety requirements for trains transporting hazardous materials, and for other purposes.

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AMENDMENT intended to be proposed by Mr. WELCH (for himself, Ms. BALDWIN, and Mr. FETTERMAN)

Viz:

- 1 On page 26, strike line 6 and insert the following:
- 2 **SEC. 106. EMERGENCY BRAKE SIGNALS.**
- 3 (a) IN GENERAL.—Not later than 30 days after the
- 4 date of the enactment of this Act, the Administrator of
- 5 the Federal Railroad Administration shall convene a meet-
- 6 ing of the Railroad Safety Advisory Committee for the
- 7 purpose of considering a regulatory safety task on the
- 8 functioning of emergency brake signals.

1 (b) PURPOSE.—The Railroad Safety Advisory Com-
2 mittee shall consider—

3 (1) the sufficiency of the regulations under part
4 232 of title 49, Code of Federal Regulations, with
5 regard to end-of-train and head-of-train device com-
6 munications;

7 (2) whether National Transportation Safety
8 Board Safety Recommendations R-20-028 and R-20-
9 029 have been adequately addressed;

10 (3) whether more frequent communication
11 checks between a head-of-train device and an end-of-
12 train device would improve rail safety; and

13 (4) whether repetition of the emergency brake
14 signal transmission until it is received by the end-of-
15 train device would improve rail safety.

16 (c) RECOMMENDATIONS AND WORK PLAN.—Not
17 later than 90 days after the meeting is convened pursuant
18 to subsection (a), a working group of the Railroad Safety
19 Advisory Committee should—

20 (1) develop initial recommendations with re-
21 spect to the matters considered under subsection (b);
22 and

23 (2) complete a work plan for implementing such
24 recommendations.

25 **SEC. 107. DEFECT DETECTION SYSTEMS.**

AMENDMENT NO. _____ Calendar No. _____

Purpose: To slightly delay the date by which railroad tank cars that do not meet certain specifications may no longer be used to transport certain Class 3 flammable liquids.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 576

To enhance safety requirements for trains transporting hazardous materials, and for other purposes.

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AMENDMENT intended to be proposed by Mrs. BLACKBURN

Viz:

- 1 On page 45, strike lines 19 and 20 and insert the
- 2 following: “shall delay the phase-out scheduled under sub-
- 3 section (a) to December 31, 2028”.



AMENDMENT NO. _____ Calendar No. _____

Purpose: To require a GAO report.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 576

To enhance safety requirements for trains transporting hazardous materials, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

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AMENDMENT intended to be proposed by Mr. BUDD to the amendment (No. _____) proposed by Ms. CANTWELL (for herself and Mr. VANCE)

Viz:

1 On page 49 of the amendment, between lines 3 and
2 4, insert the following:

3 **SEC. 113. GAO REPORT ON ROADWAY WORKER PROTEC-**
4 **TIONS.**

5 (a) IN GENERAL.—Not later than 1 year after the
6 date of the enactment of this Act, the Comptroller General
7 of the United States shall—

8 (1) conduct a review of currently available tech-
9 nologies for roadway workers (as defined in section
10 214.7 of title 49, Code of Federal Regulations) with
11 protection from the hazards of being struck by a

1 train or other on-track equipment in the United
2 States; and

3 (2) submit to the Committee on Commerce,
4 Science, and Transportation of the Senate and the
5 Committee on Transportation and Infrastructure of
6 the House of Representatives a report that summa-
7 rizes the results of the review conducted under sub-
8 paragraph (a), including recommendations, as the
9 Comptroller General considers appropriate.

10 (b) CONTENTS.—The report submitted under sub-
11 section (a)(2) shall—

12 (1) describe the frequency, type, and causes of
13 incidences within the rail right-of-way associated
14 with roadway workers being struck by a train or
15 other on-track equipment, based on available data,
16 including whether individuals were acting in compli-
17 ance with the applicable rules, policies, procedures,
18 and practices;

19 (2) describe the types of technologies referenced
20 in subsection (a)(1) that are designed to reduce risk
21 of injury and death when deployed as a secondary
22 warning system to the standard operating proce-
23 dures of a rail carrier, including for each tech-
24 nology—

25 (A) the primary function and features;

1 (B) the maturity, implementation readi-
2 ness, and user experience;

3 (C) the frequency of implementation;

4 (D) any costs, including up front and on-
5 going maintenance costs, of the technology and
6 other costs associated with the technology;

7 (E) safety benefits associated with the
8 technology relative to current rules, policies,
9 procedures, and practices; and

10 (F) ability to enhance protections for road-
11 way workers without negatively impacting oper-
12 ational or network efficiencies;

13 (3) discuss the potential for such technologies
14 to reduce or eliminate roadway worker accidents oc-
15 ccurring within the rail right-of-way;

16 (4) describe any challenges or barriers to adop-
17 tion of such safety technologies, including oper-
18 ational, technical, and network efficiency challenges
19 or barriers; and

20 (5) assess the cost-beneficial nature of utilizing
21 such technology as a secondary warning system.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require railroad inspection and maintenance employees to be subject to certain drug testing requirements applicable to other railroad personnel.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 576

To enhance safety requirements for trains transporting hazardous materials, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. THUNE

Viz:

1 On page 49, between lines 3 and 4, insert the following:
2

3 **SEC. 113. ALCOHOL AND DRUG TESTING.**

4 Not later than 1 year after the date of the enactment
5 of this Act, the Secretary shall amend part 219 of title
6 49, Code of Federal Regulations, to require any employee
7 who, on behalf of a railroad, inspects locomotives, passenger cars, railcars, or other on-track equipment, to be
8 subject to the breath or body fluid testing required under
9 subparts C, D, and E of such part.
10

AMENDMENT NO. _____ Calendar No. _____

Purpose: To review Federal Railroad Administration work-
force management and the Office of Personnel Manage-
ment’s Railroad Safety Series, GS-2121, TS-37.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 576

To enhance safety requirements for trains transporting
hazardous materials, and for other purposes.

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. PETERS

Viz:

1 On page 49, between lines 3 and 4, insert the fol-
2 lowing:

3 **SEC. 113. FEDERAL RAILROAD ADMINISTRATION SAFETY**
4 **WORKFORCE MANAGEMENT.**

5 Not later than 1 year after the date of the enactment
6 of this Act, the Inspector General of the Department of
7 Transportation shall submit a report to the Committee on
8 Commerce, Science, and Transportation of the Senate and
9 the Committee on Transportation and Infrastructure of
10 the House of Representatives that contains the results of
11 a review of the Federal Railroad Administration Office of

1 Railroad Safety inspector and specialist staff resource
2 management, including—

3 (1) an assessment of the changes in the number
4 of Federal Railroad Administration safety inspectors
5 and specialists, including—

6 (A) the number of safety inspector and
7 specialist vacancies;

8 (B) the number of such positions requested
9 in each of the budget requests for the last 10
10 fiscal years; and

11 (C) the actual workforce levels during each
12 of such fiscal years;

13 (2) an assessment of geographic allocation
14 plans, potential hiring and time-to-hire challenges,
15 expected retirement rates, and recruitment and re-
16 tention strategies;

17 (3) a description of any internal Federal Rail-
18 road Administration goals for compliance inspection
19 rates across the network of regulated activities, and
20 whether requested and actual safety inspector and
21 specialist workforce levels align with such goals;

22 (4) whether the system used for the notifica-
23 tion, processing, or storing of civil penalty enforce-
24 ment cases and other compliance actions rec-
25 ommended by safety inspectors and specialists

1 against railroads, shippers of hazardous materials,
2 and other respondents effectively supports the Fed-
3 eral Railroad Administration's compliance inspection
4 and enforcement program;

5 (5) whether any macroeconomic or other condi-
6 tions exist or have existed under which it has been
7 difficult for the Federal Railroad Administration to
8 fill safety inspector and specialist vacancies, and the
9 degree to which special rates of pay or other recruit-
10 ment and retention practices could ameliorate or
11 could have ameliorated such difficulty; and

12 (6) recommendations for any reforms that
13 could—

14 (A) improve the recruitment, hiring, and
15 retention of Federal Railroad Administration
16 safety inspectors and specialists, including po-
17 tential quality of life and workplace improve-
18 ments;

19 (B) improve Federal Railroad Administra-
20 tion workforce management processes; or

21 (C) increase the capacity for inspection ac-
22 tivities, if such capacity is identified as defi-
23 cient, at the Federal Railroad Administration,
24 including activities relating to the transpor-
25 tation of hazardous materials.

1 **SEC. 114. OFFICE OF PERSONNEL MANAGEMENT REVIEW**
2 **OF SAFETY INSPECTOR AND SPECIALIST**
3 **CLASSIFICATIONS.**

4 (a) REVISING RAILROAD SAFETY SERIES.—Not later
5 than 270 days after the date of the enactment of this Act,
6 the Director of the Office of Personnel Management
7 shall—

8 (1) complete a review of the Railroad Safety Se-
9 ries, GS-2121, TS-37; and

10 (2) subject to subsection (b), revise the series
11 referred to in paragraph (1), as appropriate, to re-
12 flect factors impacting the Federal Railroad Admin-
13 istration's oversight of the railroad industry, includ-
14 ing—

15 (A) current critical Federal Railroad Ad-
16 ministration disciplines; and

17 (B) technological advancements and oper-
18 ational conditions within the railroad industry.

19 (b) REPORT.—Not later than 30 days after com-
20 pleting the review required under subsection (a), if the Di-
21 rector determines that a revision of the Railroad Safety
22 Series is not appropriate, the Director shall submit a re-
23 port to the Committee on Homeland Security and Govern-
24 mental Affairs of the Senate, the Committee on Com-
25 merce, Science, and Transportation of the Senate, the
26 Committee on Oversight and Accountability of the House

1 of Representatives, and the Committee on Transportation
2 and Infrastructure of the House of Representatives that—

3 (1) explains the findings of the review required
4 under subsection (a); and

5 (2) justifies the determination not to make revi-
6 sions to the Railroad Safety Series.

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require consideration of the proportion of volunteer emergency responders with respect to certain grant funds.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 576

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Referred to the Committee on _____ and ordered to be printed

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AMENDMENT intended to be proposed by Mr. HICKENLOOPER to the amendment (No. _____) proposed by Ms. CANTWELL (for herself and Mr. VANCE)

Viz:

1 On page 55 of the amendment, strike line 15 and
2 insert the following:

3 “(F) In making grant funds available to eligible
4 local entities under subparagraph (A), States shall
5 consider whether the eligible local entity has a high
6 proportion of volunteer emergency responders.

7 “(G) For purposes of this paragraph, the term
8 ‘eligible

AMENDMENT NO. _____ Calendar No. _____

Purpose: To require each railroad carrier to maintain a toll-free telephone service for receiving calls reporting blocked highway-rail grade crossings.

IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.

S. 576

To enhance safety requirements for trains transporting hazardous materials, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. WARNOCK

Viz:

1 At the end of the bill, add the following:

2 **SEC. 205. RAILROAD POINT OF CONTACT FOR BLOCKED**
3 **CROSSINGS.**

4 (a) IN GENERAL.—Not later than 180 days after the
5 date of the enactment of this Act, each railroad carrier
6 shall establish and maintain a toll-free telephone service
7 for rights-of-way over which the railroad carrier dispatches
8 trains to directly receive calls reporting blocked highway-
9 rail grade crossings.

10 (b) USE OF EXISTING NUMBER.—A railroad carrier
11 may comply with the requirement under subsection (a) by

1 using the telephone number that is being used to comply
2 with section 20152(a)(1) of title 49, United States Code.

3 (c) PUBLICLY AVAILABLE.—Each railroad carrier
4 subject to this section shall notify the Secretary of the
5 telephone number referred to in subsection (a) or (b), who
6 shall post such number on a publicly-available website of
7 the Department of Transportation.

8 (d) WAIVER.—The Secretary may waive the require-
9 ment that the telephone service be toll-free for Class II
10 and Class III rail carriers if the Secretary determines that
11 toll-free service would be cost prohibitive or unnecessary.