

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2127

To improve railroad safety at grade crossings, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, MAY 16), 1994

Mr. DANFORTH introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To improve railroad safety at grade crossings, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Railroad Grade Cross-  
5 ing Safety Act of 1994”.

6 **SEC. 2. GRADE CROSSING SIGNAL DEVICES.**

7 Section 202 of the Federal Railroad Safety Act of  
8 1970 (45 U.S.C. 431) is amended—

9 (1) by redesignating the subsections after the  
10 first subsection (r) as subsections (s), (t), (u), and  
11 (v), respectively; and

1           (2) by adding at the end the following new sub-  
2           section:

3           “(w) GRADE CROSSING SIGNAL DEVICES.—The Sec-  
4           retary shall, within one year after the date of enactment  
5           of this subsection, establish nationally uniform standards  
6           regarding the allocation of responsibility for selection and  
7           installation of signal devices at public railroad-highway  
8           grade crossings.”.

9           **SEC. 3. STATE HIGHWAY SAFETY MANAGEMENT SYSTEMS.**

10          (a) AMENDMENT OF REGULATIONS.—The Secretary  
11          of Transportation shall conduct a rulemaking proceeding  
12          to amend the Secretary’s regulations under section  
13          500.407 of title 23, Code of Federal Regulations, to re-  
14          quire that each highway safety management system devel-  
15          oped, established, and implemented by a State shall,  
16          among countermeasures and priorities established under  
17          subsection (b)(2) of that section, include—

18               (1) public railroad-highway grade crossing clo-  
19               sure plans that are aimed at eliminating high-risk or  
20               redundant crossings (as defined by the Secretary);  
21               and

22               (2) railroad-highway grade crossing policies  
23               that limit the creation of new at-grade crossings for  
24               vehicle or pedestrian traffic, recreational use, or any  
25               other purpose.

1 (b) DEADLINE.—The Secretary of Transportation  
2 shall complete the rulemaking proceeding described in sub-  
3 section (a) and promulgate the required amended regula-  
4 tions, not later than one year after the date of enactment  
5 of this Act.

6 **SEC. 4. EMERGENCY NOTIFICATION OF GRADE CROSSING**  
7 **PROBLEMS.**

8 (a) TOLL FREE TELEPHONE NUMBER.—The Sec-  
9 retary of Transportation shall establish, not later than one  
10 year after the date of enactment of this Act, and there-  
11 after maintain an emergency notification system utilizing  
12 a toll free “800” telephone number that the public can  
13 use to convey to railroads, either directly or through public  
14 safety personnel, information about malfunctions or other  
15 safety problems at railroad-highway grade crossings. In  
16 establishing such emergency notification system, the Sec-  
17 retary may coordinate with, or incorporate components of,  
18 existing notification systems.

19 (b) NOTICES TO PUBLIC.—Not later than ninety  
20 days after the establishment of the emergency notification  
21 system described in subsection (a), the Secretary of Trans-  
22 portation shall promulgate regulations requiring railroads  
23 with railroad-highway grade crossings to display publicly  
24 at each such crossing, in a manner prescribed by the Sec-  
25 retary, information—

1 (1) describing the emergency notification sys-  
2 tem;

3 (2) instructing the public how to use the  
4 system;

5 (3) stating the toll free telephone number that  
6 is available for such use; and

7 (4) specifying the unique number (as assigned  
8 by the Secretary) identifying such grade crossing.

9 (c) TREATMENT IN JUDICIAL PROCEEDINGS.—A  
10 court shall not hold the Secretary of Transportation or  
11 any other Federal official or agency, any State or agency  
12 or political subdivision of a State, or any railroad liable  
13 for damages caused by an action taken under this section  
14 or by failure to perform a duty imposed by this section.  
15 No evidence may be introduced in a trial or other judicial  
16 proceeding that the emergency notification system re-  
17 quired by this section exists or is relied upon by any gov-  
18 ernmental official or entity or any railroad.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There  
20 are authorized to be appropriated to the Secretary of  
21 Transportation for the purpose of carrying out this section  
22 \$1,000,000 for fiscal year 1995, \$500,000 for fiscal year  
23 1996, and \$500,000 for fiscal year 1997.

24 (e) COST SHARING.—At least 30 percent of the cost  
25 of establishing and maintaining the emergency notification

1 system required by this section shall be provided from non-  
2 Federal sources.

3 **SEC. 5. OPERATION LIFESAVER.**

4 (a) AUTHORIZATION OF APPROPRIATIONS.—Of  
5 amounts appropriated to the Secretary of Transportation  
6 for railroad research and development, there are author-  
7 ized to be appropriated to the Secretary \$300,000 for fis-  
8 cal year 1995, \$500,000 for fiscal year 1996, and  
9 \$750,000 for fiscal year 1997, to support Operation Life-  
10 saver, Inc.

11 (b) PROGRAM REQUIREMENTS.—The Secretary of  
12 Transportation shall not provide financial assistance to  
13 Operation Lifesaver, Inc., in excess of \$150,000 for any  
14 fiscal year unless—

15 (1) such excess funding is for the development  
16 and implementation of a national, multiyear, multi-  
17 media public information and law enforcement pro-  
18 gram for the reduction of fatalities and serious inju-  
19 ries involving railroad-highway grade crossings and  
20 trespassing on railroad rights-of-way and property;  
21 and

22 (2) at least 30 percent of the costs of develop-  
23 ing and implementing such program is provided  
24 from non-Federal sources, including States and rail-  
25 roads.

1 **SEC. 6. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.**

2 (a) IN GENERAL.—In implementing the Intelligent  
3 Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307  
4 note), the Secretary of Transportation shall ensure that  
5 the National Intelligent Vehicle-Highway Systems Pro-  
6 gram addresses, in a comprehensive and coordinated man-  
7 ner, the use of intelligent vehicle-highway system tech-  
8 nologies to promote safety at railroad-highway grade  
9 crossings. The Secretary of Transportation shall ensure  
10 that two or more operational tests funded under such Act  
11 shall promote highway traffic safety and railroad safety.

12 **SEC. 7. PENALTIES FOR CERTAIN GRADE CROSSING VIOLA-**  
13 **TIONS.**

14 (a) MOTOR VEHICLE VIOLATIONS.—The Secretary of  
15 Transportation shall, within six months after the date of  
16 enactment of this Act, amend regulations—

17 (1) under the Hazardous Materials Transpor-  
18 tation Act (49 App. U.S.C. 1801 et seq.) to prohibit  
19 the driver of motor vehicle transporting hazardous  
20 materials in commerce, and

21 (2) under the Motor Carrier Safety Act of 1984  
22 (49 App. U.S.C. 2501 et seq.) to prohibit the driver  
23 of any commercial motor vehicle,

24 from driving the motor vehicle onto a railroad-highway  
25 grade crossing without having sufficient space to drive  
26 completely through the crossing without stopping.

1 (b) VANDALISM; TRESPASSING.—Not later than six  
 2 months after the date of enactment of this Act, the Sec-  
 3 retary of Transportation shall amend the Secretary’s regu-  
 4 lations under section 202 of the Federal Railroad Safety  
 5 Act of 1970 (45 U.S.C. 431) to make subject to a civil  
 6 penalty under such Act any person who—

7 (1) defaces or disables, or commits any other  
 8 act that adversely affects the function of, any signal  
 9 system, sign, or device at a grade crossing; or

10 (2) trespasses on a railroad-owned or railroad-  
 11 leased right-of-way, roadbed, or bridge.

12 **SEC. 8. VIOLATION OF GRADE CROSSING LAWS AND REGU-**  
 13 **LATIONS.**

14 (a) FEDERAL REGULATIONS.—The Commercial  
 15 Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2701  
 16 et seq.), as amended by subsection (b) of this section, is  
 17 further amended by adding at the end the following new  
 18 section:

19 **“SEC. 12022. VIOLATION OF GRADE CROSSING LAWS AND**  
 20 **REGULATIONS.**

21 “(a) REGULATIONS.—The Secretary shall issue regu-  
 22 lations establishing sanctions and penalties relating to vio-  
 23 lations, by persons operating commercial motor vehicles,  
 24 of laws and regulations pertaining to railroad-highway  
 25 grade crossings.

1       “(b) MINIMUM REQUIREMENTS.—Regulations issued  
2 under subsection (a) shall, at a minimum, require that—

3           “(1) any operator of a commercial motor vehicle  
4 who is found to have committed a first violation of  
5 a law or regulation pertaining to railroad-highway  
6 grade crossings shall be disqualified from operating  
7 such a vehicle for a period of not less than ninety  
8 days and shall be subject to a civil penalty of not  
9 less than \$1,000;

10          “(2) any operator of a commercial motor vehicle  
11 who is found to have committed a second violation  
12 of such a law or regulation shall be disqualified from  
13 operating such a vehicle for a period of not less than  
14 one year and not more than five years and shall be  
15 subject to a civil penalty of not less than \$1,000;  
16 and

17          “(3) any employer that knowingly allows, per-  
18 mits, authorizes, or requires an employee to operate  
19 a commercial motor vehicle in violation of such a law  
20 or regulation shall be subject to a civil penalty of not  
21 more than \$10, 000.

22       “(c) DEADLINE.—The regulations required under  
23 subsection (a) shall be issued not later than five years  
24 after the date of enactment of this section.”.

1 (b) STATE REGULATIONS.—Section 12009(a) of the  
2 Commercial Motor Vehicle Safety Act of 1986 (49 App.  
3 U.S.C. 2708(a)) is amended—

4 (1) in paragraph (21), by striking “12020(a)”  
5 and inserting in lieu thereof “12021(a)”; and

6 (2) by adding at the end the following new  
7 paragraph:

8 “(22) GRADE CROSSING REGULATIONS.—The  
9 State shall adopt and enforce any regulations issued  
10 by the Secretary under section 12022.”.

11 (c) TECHNICAL AMENDMENT.—The Commercial  
12 Motor Vehicle Safety Act of 1986 (49 App. U.S.C. 2701  
13 et seq.) is amended by redesignating the second section  
14 12020 (as added by section 4009(a) of the Intermodal  
15 Surface Transportation Efficiency Act of 1991 (Public  
16 Law 102–240; 105 Stat. 2156)) as section 12021.

17 **SEC. 9. SAFETY ENFORCEMENT.**

18 The National Highway Traffic Safety Administra-  
19 tion, and the Office of Motor Carrier Safety within the  
20 Federal Highway Administration, shall on a continuing  
21 basis cooperate with the National Association of Gov-  
22 ernors’ Highway Safety Representatives, the Commercial  
23 Vehicle Safety Alliance, and Operation Lifesaver, Inc., to  
24 improve compliance with and enforcement of laws and reg-  
25 ulations pertaining to reairoad-highway grade crossings.

