

**COMPARISON OF HR 2095, AS PASSED, AND THE SENATE
BILL S.1889, AS PASSED`**

H.R. 2095	SENATE BILL
<p>Section 101. Establishment of Federal Railroad Safety Administration. Reorganizes the Federal Railroad Administration as the Federal Railroad Safety Administration (FRSA), which shall consider the assignment and maintenance of safety as the highest priority. This section also creates a new position at the FRA, entitled Associate Administrator for Rail Safety and will be the chief safety officer who is appointed in the competitive service by the Secretary.</p>	<p>Sec. 101.Establishment of Chief Safety Officer(Same, except the FRA's name is not changed)</p>
<p>Section 102. Railroad Safety Strategy. This section requires the Secretary to develop a long-term strategy for improving railroad safety, which must include an annual plan and schedule for reducing the number and rates of accidents, injuries, and fatalities involving railroads; improving the consistency and effectiveness of enforcement and compliance programs; identifying and targeting enforcement at, and safety improvements to, high-risk grade crossings; and improving research efforts to enhance and promote railroad safety and performance. Semi-annually, the Secretary and the Administrator shall assess the progress toward achieving the goals.</p>	<p>Sec. 102.(Similar, except the plan shall cover 5 years; In addition, the Secretary shall include a plan and schedule for improving the safety of railroad bridges.)</p>
<p>Section 103. Reports. This section requires the Inspector General of the Department of Transportation (DOT) to submit a report to the Secretary and the FRSA within 30 days of the date of enactment, which lists each statutory mandate regarding railroad safety that has not been implemented and each open safety recommendation made by the National Transportation Safety Board (NTSB) or the Inspector General regarding</p>	<p>(None)</p>

<p>railroad safety. This section also requires the Secretary to transmit a report to Congress within 30 days of the date of enactment and every 180 days thereafter on the specific actions taken to implement each statutory mandate. The Secretary is required to also submit an annual report to Congress containing each NTSB and Inspector General recommendation, a copy of the Department's response to each recommendation, and a progress report on implementing each recommendation.</p>	
<p>Section 104. Rulemaking Process. This section prohibits a regulation referencing a standard of an association unless that reference is to a particular standard adopted before the date the rule is issued, and unless the date on which the standard was adopted is specifically cited in the rule..</p>	<p>(None)</p>
<p>Section 105. Authorization of Appropriations. This section authorizes appropriations of \$1.2 billion over a period of four years for the Secretary of Transportation to carry out its safety responsibilities. Of the amounts appropriated, the Secretary is required to purchase six Gage Restraint Measurement System vehicles and five track geometry vehicles to enable the deployment of 1 Gage Restraint Measurement System vehicle and 1 track geometry vehicle in each region. This funding will help increase inspection of railroad track for defects. Funding is also authorized for the design, development, and construction of a Facility for Underground Rail Station and Tunnel at the Transportation Technology Center in Pueblo, Colorado, and for rail security personnel.</p> <p>In addition, there are authorized to be appropriated such sums as may be necessary to design and develop a pilot electric cargo conveyor system for the transportation of containers from ports to</p>	<p>Sec. 3. (Similar, except the authorization is for 6 years).</p>

depots outside of urban areas.	
TITLE II – EMPLOYEE FATIGUE	
<p>Section 201. Hours of Service Reform. This section amends hours-of-service for signalmen and train crews. For train crews, this section: (1) ensures that all train crews are provided with at least 10 consecutive hours of rest (currently it is 8 hours of rest for less than 12 hours of work and 10 hours of rest for 12 hours of work); (2) ensures that all train crews will be provided with at least 24 consecutive hours of rest in a seven-day consecutive work period; However, the Secretary may waive that requirement if a collective bargaining agreement provides for a different arrangement and it provides an equivalent level of safety.(3) generally eliminates limbo time; Provided, however, limbo time will be allowed in circumstances of a casualty, an accident, track obstruction, act of God, including weather events, derailment, major equipment failure, or any other cause unknown and unforeseeable when the employee left the terminal. In addition, the carriers are allowed to use up to 40 hours a month in limbo time per employee during the first year after enactment, 30 hours during the second year, and 10 hours thereafter. The railroads shall report all limbo time which results in total work time of more than 12 hours and requires an added hour of rest in such circumstances for all hours worked in excess of 12 hours and (4) prohibits railroads from communicating with train crews during their off duty time to enable them to obtain adequate rest.</p>	<p>Sec. 106.Hours of Service Reform(Train service employees). Time on duty---A railroad may not require or allow a train employee to (1) remain or go on duty in any month where the employee had spent a total of 276 hours on duty, or waiting for transportation, in deadhead transportation, to a place of final release, or in any other mandatory service for the carrier; (2) remain or go on duty for a period in excess of 12 consecutive hours; (3) remain or go on duty unless the employee has had at least 10 consecutive hours off duty during the prior 24 hours; and (4) remain or go on duty after that employee has initiated an on-duty period each day for (a) 6 consecutive days, unless that employee has had at least 48 consecutive hours off duty at the employee's <u>home terminal</u> during which time the employee is unavailable for any service; or (b) 7 consecutive days, unless the employee has had at least 72 consecutive hours off duty at the employee's <u>home terminal</u> during which time the employee is unavailable for service, if a collective bargaining agreement expressly provides for such a schedule, such schedule is provided by a pilot program authorized by a collective bargaining agreement, or such schedule is provided by a pilot program under 49 U.S.C 21108 related to employees' work and rest schedules. The Secretary may waive (4) if a collective bargaining agreement provides a different arrangement and such is in the public interest and consistent with railroad safety. Limbo Time---A railroad may not require or allow an employee to remain or go on duty in excess of 14 hours of time on duty and time waiting for deadhead transportation on a train, not including interim rest periods, unless the train is delayed by certain spelled out emergencies or a delay resulting from a cause unknown or unforeseeable to a railroad when the employee left a terminal. Each railroad shall report to the Secretary each instance where an employee spends time</p>

<p>Pilot Projects--(The House bill does not contain a provision for a pilot project)</p>	<p>employees that provide for an equivalent level of safety as that established in the hours of service provisions.</p> <p>In issuing regulations under this section, the Secretary shall consider scientific and medical research related to fatigue, railroad scheduling and operating practices, a railroad's use of new or novel technology intended to reduce or eliminate human error, variations in scheduling practices and operating conditions, and a railroad's use of fatigue management plans.</p> <p>If the Secretary requests that RSAC accept the task of developing regulations under this section, it shall reach a consensus within 18 months after accepting the task. If RSAC does not reach a consensus within 18 months, the Secretary shall prescribe appropriate regulations within 18 months. If RSAC is not requested to develop regulations, the Secretary shall issue regulations within 3 years.</p> <p>Pilot Projects---Not later than 2 years, the Secretary shall conduct 2 pilot projects to analyze fatigue issues as follows: (a) to evaluate the efficacy of communicating to employees notice of their assigned shift time 10 hours prior to the beginning of an assigned shift; and (b) to evaluate the efficacy of requiring railroads who use employee scheduling practices that subject employees to unscheduled duty calls to assign employees to defined or specific unscheduled call shifts that are followed by shifts not subject to call.</p> <p>Waiver---The Secretary may temporarily waive the hours of service provisions if necessary to complete one of the 2 pilot projects listed above.</p>
<p>For the signalmen, this section: (1) ensures that all signalmen are provided with at least 10 consecutive hours of rest (right now it's 8 hours of rest for less than 12 hours of work and 10 hours of rest for</p>	<p>Hours of Service(Signal Employees)---A railroad, contractor, or subcontractor may not require or allow a signal employee to remain or go on duty for a period in excess of 12 consecutive hours; or unless that employee has had 10</p>

12 hours of work); (2) ensures that all signalmen will be provided with at least 24 consecutive hours of rest in a seven-day consecutive work period; The Secretary may waive this requirement if a collective bargaining agreement provides a different arrangement and an equivalent level of safety; (4) ensures that all independent contractors and subcontractors that perform signal work are governed under the hours-of-service law; (5) limits the number of days signalmen can exceed their hours-of-service in emergency time to no more than three days in a seven consecutive day work period (this is consistent with the dispatcher limits); (6) Up to one hour of time spent in returning from a final trouble call of a period of continuous or broken service is time off duty; (7) prevents railroads from forcing signalmen into emergency time for routine repairs, maintenance, and inspection of signal systems; and (8) prohibits railroads from communicating with signalmen during their off duty time to enable them to obtain adequate rest. Lastly, signal employees are to be subject only to the FRA standards, and not the Federal Motor Carrier Administration.

consecutive hours off duty during the prior 24 hours.

The one hour limbo time in existing law for time spent returning from a final trouble call is deleted.

A signal employee may not conduct routine repairs, maintenance, or inspections under the emergency provisions.

A railroad may not communicate with the signal employee during his/her off duty time of 10 consecutive hours.

The provisions under this law are the exclusive law applicable to signal employees operating motor vehicles.

Similar to the provisions applicable to operating crews, the Secretary may reduce the maximum hours an employee may be required or allowed to remain on duty; increase the minimum hours an employee may be required to rest; if agreed to in a collective bargaining agreement, the minimum and maximum hours may be changed; may change the off-duty communications restrictions if equivalent level of safety is established; Also, the Secretary may limit or eliminate the time that is considered neither on duty nor off duty that an employee spends returning from an outlying worksite after scheduled duty hours or returning from a trouble call to headquarters or home.

As with operating crews, the Secretary, in issuing regulations, shall consider scientific and medical research. The RSAC provisions are also applicable to signalmen, as are the pilot projects required. Lastly, the changes in the law shall take effect 1 year after enactment.

Application of Hours of Service to Commuter and Intercity Passenger Train Employees.

Existing hours of service law will apply to commuter, short haul passenger carriers, or intercity carriers until regulations are issued by the Secretary or 3 years after the law is enacted, whichever is earlier. Afterwards, these carriers shall be governed by the new statutory provisions, until the effective date of the new regulations are prescribed.

The regulations and orders may address operating and scheduling practices, including unscheduled duty

	calls, communications during time off duty, and time spent in or waiting for deadhead transportation to the place of final release.
(None)	Sec. 107. Protection of Railroad Safety Risk Analysis Information. This section provides that the Secretary shall not disclose a railroad's analysis of its safety risks and its statement of mitigation measures it has identified to address those risks. Also, the information is not subject to discovery or admitted into evidence.
Section 202. Employee Sleeping Quarters. This section prohibits railroads from providing sleeping quarters, such as camp cars or trailers as defined in Appendix C, 49 C.F.R.. Part 228, in an area or in the immediate vicinity of an area in which railroad switching or humping operations are performed.	Sec. 410. Railroads shall provide sleeping quarters that have indoor toilet facilities, potable water and other features to protect the health of employees. Within 1 year the Secretary, in consultation with the Secretary of Labor, shall be required to issue regs. governing the use of camp cars. The Secretary would have the authority to prohibit the use of camp cars if necessary to protect the health and safety of the employees.
Section 203. Fatigue Management Plans. This section requires all railroads to submit to the Secretary for review and approval a fatigue management plan that is designed to reduce the fatigue experienced by railroad employees and to reduce the likelihood of accidents and injuries caused by fatigue. Each plan must address the safety effects of fatigue on all employees, including employees not covered by this chapter, such as maintenance-of-way workers.	Sec.103.Railroad Safety Risk Reduction Pilot Program. The Secretary shall develop a 4 year railroad safety risk reduction pilot program in coordination with the employee labor organizations, etc. to systematically evaluate and manage railroad safety risks. Sec. 104. Railroad Safety Risk Reduction Program. Within 5 years the Sec. shall require each Class 1 railroad, a railroad that has an inadequate safety performance(as determined by the Secretary under § 103), and an intercity passenger or commuter service railroad shall develop a railroad safety risk reduction program. It shall include a technology analysis and a fatigue management plan. Each railroad shall use its best efforts to reach an agreement with all of its directly affected employees on the contents of the program. The Secretary may impose penalties for violations of the plan.
Section 204. Regulatory Authority. This section authorizes the Secretary of Transportation to reduce the maximum hours an employee may be required or allowed to go or remain on duty, and to	See Sec. 106(d)(Same)

increase the minimum hours an employee may be required or allowed to rest to a level greater than the level established in the bill. Such actions must be based on scientific and medical research.	
Section 205. Conforming Amendment. This section deals with civil penalties for hours-of-service violations. Current law states that “a railroad carrier is deemed to know the acts of its officers and agents.” This section ensures that the railroad carrier is deemed to also know the acts of its managers and supervisors.	(None)
TITLE III – PROTECTION OF EMPLOYEES AND WITNESSES	
Section 301. Railroad Bridge Safety Assurance. Not later than 12 months, the FRSA shall implement regulations requiring owners of track carried on one or more railroad bridges to adopt safety practices to prevent the deterioration of railroad bridges and reduce the risk of human casualties, environmental damage, and disruption the Nation's transportation system that would result from a catastrophic bridge failure. The provision sets forth a number of criteria that the regulations shall contain to assure the track owner meets the requirements of the law.	(None)
TITLE IV – GRADE CROSSINGS	
(None)	Sec. 201. Pedestrian Crossing Safety. Within 1 year, the Secretary shall provide guidance to railroads on strategies and methods to prevent pedestrian and trespasser accidents.
Section 401. Toll-Free Number to Report Grade Crossing Problems. This section requires railroads to establish, maintain, and post a toll-free number at all grade crossings to receive calls reporting malfunctions of signals, crossing gates, and other devices, or disabled vehicles blocking	Sec. 205. (Same)

<p>such crossings. Upon receiving a call, the railroad is required to immediately contact trains operating near the grade crossing to warn them of the malfunction or disabled vehicle, and contact the appropriate public safety officials having jurisdiction over the grade crossing to provide them with the information necessary for them to direct traffic, assist in the removal of a disabled vehicle, or carry out other activities appropriate to responding to the hazardous condition.</p>	
<p>Section 402. Roadway User Sight Distance at Highway-Rail Grade Crossings. This section requires railroads to remove and maintain clear from its right-of-way at all grade crossings all vegetation that may obstruct the view of pedestrians and motor vehicle operators for a reasonable distance in either direction. The Secretary may make allowances for preserving trees and other ornamental or protective growth where state or local law would otherwise protect the vegetation from removal and where appropriate action is taken to abate hazards to roadway users. Also, the section prevents such regulations from preempting a state from enforcing or enacting stricter laws and regulations covering responsibility for the removal of vegetation from the railroad right-of-way.</p> <p>Within 18 months the DOT is required to develop model legislation for the states to eliminate sight obstructions for motorists at crossings.</p>	<p>Sec. 203.(Same)</p>
<p>Section 403. Grade Crossing Signal Violations. This section requires the Secretary to conduct a review of current local, State, and Federal laws regarding grade crossing signal violations and develop model legislation for State and local governments providing for civil or criminal penalties, or both, for violations of grade crossings.</p>	<p>(None)</p>

<p>Section 404. National Crossing Inventory. This section requires all railroads and States to report information on grade crossings to the Secretary to enable the Secretary to update the DOT's grade crossing inventory. This will help states determine where best to dedicate their resources to crossing improvements.</p>	<p>Sec. 204.(Same, except that the Secretary shall require the information within 1 year, or within 6 mos. of a new crossing.)</p>
<p>Section 405. Accident and Incident Reporting. This section requires the FRSA to conduct an audit of each Class I railroad at least once every two years and conduct an audit of each non-Class I railroad at least once every five years to ensure that all grade crossing collisions and fatalities are reported to the national accident database.</p>	<p>(None)</p>
<p>Section 406. Authority to Buy Promotional Items to Improve Railroad Crossing Safety and Prevent Railroad Trespass. This section authorizes the Secretary to purchase promotional items of nominal value to distribute to the public without charge to educate or raise awareness of the dangers of highway-rail crossings and improve safety.</p>	<p>Sec. 207.(Same)</p>
<p>Sec. 407. Operation Lifesaver. \$1.5 million is authorized for Operation Lifesaver for FY2008-2011.</p>	<p>Sec. 206. The FRA shall make grants to Operation Lifesaver for pilot projects. The authorization is \$2 million for 2008-2010, and \$1.5 for FY 2011-2013. A pilot program for community outreach is authorized.</p>
<p>(None).</p>	<p>Sec. 207. Federal Grants to States for Highway-Rail Grade Crossing Safety. The Secretary shall make grants to a maximum of 3 States per year for development or continuance of enhance public education to help reduce violations of traffic laws at crossings and to help prevent and reduce injuries and fatalities at crossings. The grants shall be given where it will provide the greatest safety benefits. The Secretary may not make a grant to establish or continue a quiet zone. A total of \$500,000 is</p>

	authorized for reach fiscal years 2009-2014.
Sec. 408. State Action Plan. The top 10 states with grade crossing accidents shall be identified and the DOT will be required to work with those states to improve safety.	Sec. 202. Within 6 months, the Secretary shall identify annually 10 states that receive federal funds for highway grade crossing safety projects that have the most highway-rail grade crossing collisions. The Secretary may require, as a condition of receiving such funds in the future, that each such state develop a Grade Crossing Action Plan to improve grade crossings.
Section 409. New Safety Technologies. This encourages installment of new safety technologies at grade crossings.	Sec. 209. (Same).
(None)	Sec. 208. Trespasser Prevention and Highway-Rail Crossing Safety. Within 1 year the Secretary shall consult with affected parties and evaluate and review current local, State and Federal laws regarding trespassing, vandalism, and violations of grade crossing warning signs, and develop model legislation to be used by the States.
TITLE V – ENFORCEMENT	
Section 501. Enforcement. This section clarifies that the Attorney General may bring a civil action in a district court of the United States to: (1) enjoin a violation of, or to enforce, this part or a railroad safety regulation prescribed or order issued by the Secretary; (2) collect a civil penalty imposed or an amount agreed on in compromise under section 21301 (general railroad safety violations), 21302 (accidents and incident violations), or 21303 (hours-of-service violations) of this title; and (3) to enforce a subpoena, request for admissions, request for production of documents or other tangible things, or request for testimony by deposition.	(None)
Section 502. Civil Penalties. This section increases the civil penalties for railroad safety violations from \$10,000 to \$25,000, and allows for adjustment for inflation. If the violation is grossly negligent or a pattern of repeated	Sec. 302. Increases the current \$10,000 penalties to \$25,000 and the \$20,000 penalties to \$100,000.

violations that cause an imminent hazard of death or injury, the ceiling is \$100,000. The minimum penalty remains at \$500.	
Section 503. Criminal Penalties. This section increases the maximum penalty for failing to file an accident or incident report on time from \$500 to \$2,500, and the maximum penalty for each day after the due date from \$500 to \$2,500.	(None)
Section 504. Expansion of Emergency Order Authority. This section allows the Secretary to issue emergency rules or restrictions in the event of significant harm to the environment. (Current law allows the Secretary to issue emergency rules or restrictions in the event of death or personal injury.)	(None)
Section 505. Enforcement Transparency. This section requires increased transparency of all enforcement actions taken by the FRSA. Each month, the FRSA must release to the public a report summarizing all inspections and enforcement actions taken by the FRSA. (This section is modeled after the pipeline bill that was enacted at the end of the 109 th Congress).	Sec. 303. (Similar to House Bill, except that the report shall be annually beginning December 31, 2008 and published in FRA's website.).
Section 506. Interfering With or Hampering Safety Investigations. This section makes it unlawful to knowingly interfere, obstruct, or hamper an investigation by the Secretary of Transportation or the NTSB. This also includes attempts to harass, intimidate, mislead, or coerce another person with the intent to hinder, mislead, or prevent that person from cooperating with any investigation by the Secretary or the NTSB. Any person found violating this section may be fined or imprisoned for up to one year or both.	(None)
Section 507. Railroad Radio	

<p>Monitoring Authority. This section allows the Secretary to monitor and record railroad radio communications and, with certain exceptions, to use those communications and the information they contain, for the purpose of accident prevention, including, but not limited to, accident investigation. This applies only to communications authorized for use by railroads by the FCC and primarily used by the railroads for railroad operations. Information obtained through such monitoring and recording would not be admissible into evidence in any administrative or judicial proceeding, with two exceptions. First the provision would not bar admission in evidence of the intercepted communication in a judicial proceeding for the prosecution of a felony under Federal or State law. Second, the provision would not bar admission of the intercepted communication for impeachment purposes in seven enumerated types of railroad safety proceedings. In addition, information is not subject to publication or disclosure, or search or review in connection therewith, under section 552 of title 5.</p>	<p>Sec. 305. (Same).</p>
<p>Section 508. Safety Inspectors. This section requires the Secretary to increase the number of Federal rail safety inspectors by 100 inspectors per year, for a total of at least 800 Federal rail safety inspectors by the end of fiscal year 2011. (There are currently 421 Federal rail safety inspectors and 160 State inspectors.)</p>	<p>Sec. 301. Increases the inspectors by 200 persons over a period of 6 years, and sets forth 8 criteria that the Secretary shall focus upon in hiring.</p>
<p>(None)</p>	<p>Sec. 304. Prohibition From Performing Safety-Sensitive Functions for Violations of Hazardous Materials Transportation Law. After opportunity for hearing, the Secretary may issue an order prohibiting an employee from performing safety-sensitive functions if the employee violates a hazardous materials requirement and is shown to make the individual unfit for such service.</p>

(None)	Sec. 306. Emergency Waivers. The Secretary may waive a regulation in emergency situations without first providing an opportunity for public comment. The opportunity shall be subsequently provided. Any such order shall not exceed 9 months.
(None)	Sec. 307. Federal Rail Security Officers' Access To Information. The FRA's Administrator is authorized to have access to a system of documented criminal justice information maintained by the Dept. of Justice or by a State.
(None)	Sec. 308. Update of FRA's Website. The FRA shall update its public website to better facilitate the public's ability to find current information. The website shall publish potential violations of the rail safety laws and regs.
TITLE VI – MISCELLANEOUS PROVISIONS	
Section 601. Positive Train Control Systems. This section requires Class I railroads within 12 months to submit to the Secretary a plan to install positive train control system by December 31, 2014. The Secretary shall approve the plan within 90 days after receiving it. If the plan is not approved, the railroad shall correct all deficiencies within 30 days. The Sec. may extend implementation by not more than 24 months if he finds that it would be necessary to implement a more effective system, to obtain interoperability, or to otherwise enhance safety. The Secretary shall certify that each PTC system or component has not experienced a safety-critical failure during prior testing and evaluation. If a failure occurs, it may be repaired and be installed when the Secretary certifies that the factors causing the failure have been corrected and approves the system for installation. A grant program is established for the deployment of train control and component technologies.	Sec. 105. (Similar to the House Bill, except that the time for installation is Dec. 31, 2018).

<p>Section 602. Warning in Nonsignaled Territory. This section implements two NTSB recommendations issued in the Graniteville, South Carolina crash. Within 1 year the Secretary shall issue regulations mandating the railroads put in place a train speed enforcement system which would stop a train in advance of a misaligned switch to (1) either install automatically activated devices, in addition to the switch banner, along main lines in nonsignaled territory that do not have a train speed enforcement system that will compellingly capture the attention of employees involved in switch operations and clearly convey the status of the switch in both daylight and darkness, or (2) to operate those trains at speeds that will allow them to be safely stopped in advance of misaligned switches.</p>	<p>Sec. 409. This requires the Secretary within 1 year to issue standards, regulations, guidance, or orders to encourage the development of technology in dark territory.</p>
<p>(None)</p>	<p>Sec. 403. Track Inspection Time Study. Within 2 years the Secretary shall complete a study to determine whether(a) intervals of track inspections for each class of track should be amended;(b) track remedial action requirements should be amended; (c)different track inspection and repair priorities or methods should be required. In addition, the Secretary shall issue recommendations for changes in the regs.</p>
<p>(None)</p>	<p>Sec. 404. Study of Methods To Improve or Correct Station Platform Gaps. Within 2 years the Secretary shall complete a study to determine the most safe, efficient and cost-effective way to improve the safety of rail passenger station platforms gaps in order to comply with the Americans With Disabilities Act.</p>
<p>Section 603. Track Safety. This section requires the Secretary within 12 months to issue a regulation requiring railroads to manage the rail in their tracks to minimize</p>	

<p>accidents due to internal rail flaws. At a minimum, the regulations must require the railroads to conduct ultrasonic or other appropriate inspections to ensure that rail used to replace defective segments of existing rail is free from internal defects; require railroads to perform integrity inspections to manage a service failure rate of less than .1 per track mile; and encourage railroad use of advanced rail defect inspection equipment and similar technologies as part of a comprehensive rail inspection program. The annual service failure rate shall be less than .1 per track mile for high risk corridors such as those having significant hazardous materials movements or where commuter or intercity passenger railroads operate. The section also requires the Secretary to develop and implement regulations for all classes of track for concrete ties.</p>	<p>(None)</p>
<p>Section 604. Certification of Conductors. This section requires the Secretary, within 18 months, to prescribe regulations to establish a program requiring the certification of train conductors. The section ensures that conductors on passenger trains are trained in security, first aid, and emergency preparedness.</p>	<p>Sec. 402. This section requires the Secretary within one year to issue a report about whether there should be certification of various classes and crafts of employees, or contractor or subcontractor employees, including conductors, car repair and maintenance employees, on-board service workers, rail welders, dispatchers, signal repair and maintenance employees, or any other craft or class of employees the Secretary determines appropriate to improve safety. The Secretary is authorized to issue regs. requiring certification of any craft of employees.</p>
<p>Section 605. Minimum Training Standards. This section requires the Secretary within 180 days to establish minimum training standards for each craft and class of railroad employees. It also requires the railroads to submit their training and qualification programs to the FRSA for approval. In addition, the Secretary shall develop a minimum training curriculum, and ongoing training, testing and measures to ensure that the employee performing the track inspections are</p>	<p>Sec. 401. The Secretary within 1 year shall issue regs. requiring each railroad, its contractors and subcontractors to develop training plans as the Secretary deems appropriate. Such plan shall be reviewed by the FRA for approval. The Secretary may exempt a railroad or its contractor or subcontractor for which the Secretary has issued training regs. before the enactment of this bill.</p>

qualified.	
<p>Section 606. Prompt Medical Attention. A railroad or person shall not deny, delay, or interfere with the medical or first aid treatment of an injured employee. If transportation to a hospital is requested by an injured employees, the railroad shall promptly arrange to have the injured employee transported to the nearest medically appropriate hospital. A railroad shall not discipline, or threaten discipline to an employee seeking medical treatment, or for following orders or a treatment plan of a treating physician.</p>	<p>Sec.411. A railroad may not discriminate or discharge an employee who requests a railroad to provide first aid, prompt medical treatment, or transportation to an appropriate medical facility or hospital, or to comply with treatment prescribed by a physician or licensed care professional. Provided, however, when an employee attempts to return to duty, the railroad may refuse the employee's attempt, if the refusal is in compliance with the carrier's medical standards for fitness for duty. consistent with the carrier's medical standards for fitness for duty.</p>
(None)	<p>Sec. 412. Unified Treatment of Families of Railroad Carriers. Upon petition by a group of commonly controlled railroads that the Secretary determines is operating as a single, integrated rail system, the Secretary may by order treat the group of carriers as a single railroad carrier under the rail safety provisions.</p>
<p>Section 608. Locomotive Cab Environment. This section requires the Secretary to transmit a report to Congress on the effects of the locomotive cab environment on the safety, health, and performance of train crews.</p>	<p>Sec. 405. Locomotive Cab Studies. (a)The Secretary within 3 years shall complete a study on the prevalence of personal electronic devices(such as cell phones, etc.). Based on the conclusions reached, the Secretary may prohibit the use of such personal electronic devices.(b) This section also authorizes the Secretary to study the locomotive cab environment. Within 6 months after the above studies, the Secretary shall submit a report to Congress.</p>
(None)	<p>Sec. 406. Railroad Safety Technology Grants. The Secretary shall establish a grant program for the deployment of all train control technologies. \$20 million is authorized for each year for FY '08-'13.</p>
(None)	<p>Sec. 407. Railroad Safety Infrastructure Improvement Grants. The Secretary shall establish a grant program for safety improvements to railroad</p>

	infrastructure. \$15 million is authorized for each fiscal year for '08-'13.
(None)	Sec. 408. Movement For Repair. The Secretary may impose conditions for the movement of a defective or insecure vehicle to make repairs at the nearest repair point. The “nearest” means the closest in the <u>forward</u> direction of travel. The place where repairs can be made can be a fixed facility or a mobile repair truck. However, if a mobile repair truck is not at the location on a regular basis, the defective vehicle may be moved to a fixed facility.
Section 610. Museum locomotive study. This section requires the Secretary to conduct a study of its regulations relating to safety inspections of diesel-electric locomotives and equipment, and the safety consequences of less frequent inspections of diesel-electric locomotives and equipment operated by museums.	(None)
Section 611. Certification of Carmen. This requires the Secretary within 18 months to prescribe regulations requiring certification of all employees performing mechanical inspections, brake system inspections, test, or maintenance of freight or passenger cars.	See section 402.
Section 612. Train Control Systems Deployment Grants. The Secretary shall establish a grant program for the deployment of train control and component technologies. Authorization for appropriations are provided as may be necessary for FY 2008-2011.	(None)
Section 613. Infrastructure Safety Investment Reports. Each class 1 railroad shall file with the FRSA and the STB a report detailing by state the infrastructure investments and maintenance each has	(None)

performed on its system.	
Sec.614. Emergency Grade Crossing Safety Improvements. The Secretary shall establish a grant program to provide for emergency grade crossing safety improvements at locations where there has been a railroad grade crossing collision with a school bus or collision involving 3 or more serious bodily injuries or fatalities	(None)
Sec. 615. Locomotive horn requirement waiver. The Secretary, in reviewing applications for waivers or exemptions from the requirement to blow horns at crossings, shall consider horn noise and the impact of such noise on the local community and the unique characteristics of the community.	(None)
Sec. 616. Mechanical Inspections in Mexico. Mechanical and brake inspections of rail cars performed in Mexico shall not be treated as satisfying U.S. requirements unless the Secretary certifies that (1) such inspections are being performed under requirements equivalent to those applicable in the U.S.:(2) the Mexican counterparts to the FRSA are effectively enforcing such standards;(3) the inspections are being performed by employees receiving comparable classroom and on the job training as in the U.S.:(4) inspection records are kept in both English and Spanish, and such records are available to the FRSA for review; and (5) the FRSA is permitted to perform onsite inspections for the purpose of assuring compliance. No hazardous material inspections performed in Mexico shall be treated as having satisfied the U.S. rail safety requirements.	(None)

(None)	<p>Sec. 413. Study of Repeal of Conrail Provision. This section requires the Secretary within one year to study the impacts of repealing 45 U.S.C. § 797j which prohibits a State from adopting or continuing in effect any law, rule, regulation, order, or standard with respect to any railroad in the region where Conrail operates. Within 6 months thereafter, the Secretary shall report on the findings and make recommendations.</p>
	<p>Sec. 414. Limitations on Non-Federal Alcohol and Drug Testing by Railroad Carriers. Any non-federal alcohol and drug testing by a railroad shall be conducted using a scientifically recognized method of testing capable of determining the presence of the specific analyte at a level above the cut-off level established by the railroad. (We are seeking a requirement that testing protocols shall be the same as under the federal program). The railroad must provide a redress process for an employee to petition for, and receive, a hearing to review the specimen results, and a dispute or grievance shall be resolved under the provisions of the Railway Labor Act.</p>
(None)	<p>Sec. 415. Critical Incident Stress Plan. Each Class I railroad, each intercity passenger railroad, and each commuter railroad, shall develop and submit for approval to the Secretary a critical incident stress plan that provides for debriefing, counseling, guidance and other support services to an employee affected by critical incident. Additionally, the plan shall allow for the immediate relief of service for the balance of the duty tour of an employee involved in a critical incident, following any actions necessary for the safety of persons and contemporaneous documentation of the incident; and, upon an employee's request, relieving an employee who witnessed a critical incident following</p>

	any actions necessary for the safety of persons and contemporaneous documentation of the incident; and providing such leave from duties as may be necessary and reasonable to receive preventive services, treatment, or both, related to the incident. The Secretary shall initiate a rulemaking within 30 days to define the term "critical incident".
(None)	SEC. 416. RAILROAD CARRIER EMPLOYEE EXPOSURE TO RADIATION. The Secretary of Transportation, in consultation with the Secretary of Energy, the Secretary of Labor, the Administrator of the EPPA and the Chairman of the Nuclear Regulatory Commission, as appropriate, shall conduct a study and issue a report to Congress within 18 months after the study is completed. The study may include an analysis of the potential application of "as low as reasonably achievable" principles from exposure to employees with an emphasis on the need for special protection during the first trimester of pregnancy or who are undergoing or have undergone radiation therapy; the feasibility of requiring real time dosimetry monitoring; the feasibility of requiring radiation exposure monitoring in fixed locations; and a review of the effectiveness of DOT's packaging program.
(NONE)	Sec. 417. Alcohol and Controlled Substance Testing For Maintenance- of- Way Employees. This section places the maintenance-of-way employees under the federal alcohol and drug testing program within 2 years.
TITLE VII – RAIL PASSENGER DISASTER FAMILY ASSISTANCE	
Section 702. Assistance by NTSB to families of passengers involved in rail passenger accidents This requires the Chairman of the NTSB, as soon as practicable after being notified of a rail passenger accident involving a major loss of life, to: (1) designate and publicize the name	Secs. 501 (Same).

<p>and phone number of an NTSB employee who shall be a director of family support services responsible for acting as a point of contact within the Federal Government for the families of passengers involved in a rail passenger accident, and a liaison between the rail passenger carrier and the families; and (2) designate an independent nonprofit organization (with experience in disasters and post-trauma communication with families) which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in such accidents.</p> <p>There shall be no unsolicited communication concerning a potential lawsuit for damages by any attorney(including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual(other than an employee of the railroad) injured in the accident, or to a relative of an individual involved in an accident, before the 45th day following the date of the accident.</p>	
<p>Sec. 703. Rail passenger carrier plans to address needs of families of passengers involved in rail passenger accidents. Not later than 6 months after enactment, each rail passenger carrier shall submit to the Secretary of Transportation and the Chairman of the NTSB a plan for addressing the needs of families of passengers involved in a rail passenger accident and resulting in a major loss of life.</p>	<p>Sec. 502. This section is similar to the House version, except that the plan must also be submitted to Secretary of Homeland Security, and \$500,000 is authorized for FY 2008 to carry out this section.</p>
<p>Sec. 704.(Same)</p>	<p>Sec. 503. Establishment of Task Force. The Secretary shall establish a Task Force to develop a model plan to assist railroads in responding to accidents, timeliness on methods to improve timeliness of notification to families of passengers involved in accidents, methods to assist emergency service personnel to have accurate accounts of those involved in accidents.</p>
	<p>Title VI- Clarification of Federal Jurisdiction</p>

	Over Solid Waste Facilities
<p>Sec. 617. Surface Transportation Board jurisdiction over solid waste facilities. State or local governmental authorities are not preempted from regulating solid waste rail transfer facilities.</p>	<p>Secs. 602-604. Regulation of Solid Waste Rail Transfer Facilities. These sections spell out in detail the regulation of solid waste transfer facilities, including specifying the limited jurisdiction of the STB, requiring compliance with all State and Federal requirements to the same extent as any similar solid waste management facility, permit requirements, no rail customer may demand solid waste rail transfer service from a railroad at a solid waste rail transfer facility if it does not possess Federal land use exemption and State permits, granting the STB authority to issue land-use exemptions and setting forth the procedures and considerations the STB shall follow.</p>