

**Union Calendar No. 355**

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

**H. R. 4545**

**[Report No. 103-6551]**

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**A BILL**

To amend the Federal Railroad Safety Act of 1970,  
and for other purposes.

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AUGUST 3, 1994

Reported with amendments, committed to the Committee  
of the Whole House on the State of the Union, and or-  
dered to be printed

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[Report No. 103-655]

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 8, 1994

Mr. SWIFT (by request) introduced the following bill; which was referred to the Committee on Energy and Commerce

AUGUST 3, 1994

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 8, 1994]

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## A BILL

To amend the Federal Railroad Safety Act of 1970, 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 “Federal Railroad Safety*  
5 *Authorization Act of 1994”.*

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

2 *Section 20117(a)(1) of title 49, United States Code,*  
3 *is amended by adding after subparagraph (B) the following*  
4 *new subparagraphs:*

5 *“(C) \$68,289,000 for fiscal year 1995.*

6 *“(D) \$75,112,000 for fiscal year 1996.*

7 *“(E) \$82,563,000 for fiscal year 1997.*

8 *“(F) \$90,739,000 for fiscal year 1998.”.*

9 **SEC. 3. HOURS OF SERVICE PILOT PROJECTS.**

10 *(a) AMENDMENT.—Chapter 211 of title 49, United*  
11 *States Code, is amended by adding at the end the following*  
12 *new section:*

13 **“SEC. 21108. PILOT PROJECTS.**

14 *“(a) WAIVER.—A railroad or railroads and all labor*  
15 *organizations representing any class or craft of directly af-*  
16 *ected covered service employees of the railroad or railroads,*  
17 *may jointly petition the Secretary of Transportation for*  
18 *approval of a waiver, in whole or in part, of compliance*  
19 *with this chapter, to enable the establishment of one or more*  
20 *pilot projects to demonstrate the possible benefits of imple-*  
21 *menting alternatives to the strict application of the require-*  
22 *ments of this chapter to such class or craft of employees,*  
23 *including requirements concerning maximum on-duty and*  
24 *minimum off-duty periods. Based on such a joint petition,*  
25 *the Secretary may, after notice and opportunity for com-*  
26 *ment, waive in whole or in part compliance with this chap-*

1 *ter for a period of no more than two years, if the Secretary*  
2 *determines that such waiver of compliance is in the public*  
3 *interest and is consistent with railroad safety. Any such*  
4 *waiver may, based on a new petition, be extended for addi-*  
5 *tional periods of up to two years, after notice and oppor-*  
6 *tunity for comment. An explanation of any waiver granted*  
7 *under this section shall be published in the Federal Register.*

8       “(b) *REPORT.*—*The Secretary of Transportation shall*  
9 *submit to Congress, no later than January 1, 1997, a report*  
10 *that—*

11               “(1) *explains and analyzes the effectiveness of all*  
12 *pilot projects established pursuant to a waiver grant-*  
13 *ed under subsection (a);*

14               “(2) *describes the status of all other waivers*  
15 *granted under subsection (a) and their related pilot*  
16 *projects, if any; and*

17               “(3) *recommends appropriate legislative changes*  
18 *to this chapter.*

19       “(c) *DEFINITION.*—*For purposes of this section, the*  
20 *term ‘directly affected covered service employees’ means cov-*  
21 *ered service employees to whose hours of service the terms*  
22 *of the waiver petitioned for specifically apply.’”*

23       (b) *TABLE OF SECTIONS AMENDMENT.*—*The table of*  
24 *sections for chapter 211 of title 49, United States Code, is*  
25 *amended by adding at the end the following new item:*

*“21108. Pilot projects.”*

1 **SEC. 4. CONFORMING AMENDMENT REGARDING HOURS OF**  
2 **SERVICE VIOLATIONS.**

3 *Section 21303(a)(1) of title 49, United States Code,*  
4 *is amended by inserting “or violating any provision of a*  
5 *waiver applicable to that person that has been granted*  
6 *under section 21108 of this title,” after “chapter 211 of this*  
7 *title”.*

8 **SEC. 5. TECHNICAL AMENDMENT REGARDING FEDERAL**  
9 **RAILROAD SAFETY.**

10 *Section 20111(c) of title 49, United States Code, is*  
11 *amended by inserting “this chapter or any of the laws*  
12 *transferred to the jurisdiction of the Secretary of Transpor-*  
13 *tation by subsection (e) (1), (2), and (6)(A) of section 6*  
14 *of the Department of Transportation Act, as in effect on*  
15 *June 1, 1994, or” after “individual’s violation of”.*

16 **SEC. 6. BIENNIAL FEDERAL RAILROAD SAFETY REPORTING.**

17 *(a) Section 20116 of title 49, United States Code, is*  
18 *amended—*

19 *(1) by striking in its heading “**Annual**” and*  
20 *inserting in lieu thereof “**Biennial**”;*

21 *(2) by striking “not later than July 1 of each*  
22 *year a report on carrying out this chapter for the*  
23 *prior calendar year. The report shall include the fol-*  
24 *lowing information about the prior year” and insert-*  
25 *ing in lieu thereof “every two years, on or before July*  
26 *1 of the year due, a comprehensive report on the ad-*

1        *ministration of this chapter for the preceding two cal-*  
2        *endar years. The report shall include the following in-*  
3        *formation about such calendar years”; and*

4                *(3) in paragraph (1), by inserting “, by calendar*  
5        *year” after “casualties by cause”.*

6        *(b) The item relating to section 20116 in the table of*  
7        *sections for chapter 201 of title 49, United States Code, is*  
8        *amended to read as follows:*

*“20116. Biennial report.”.*

9        **SEC. 7. REPORT ON BRIDGE DISPLACEMENT DETECTION**  
10                **SYSTEMS.**

11        *Not later than 18 months after the date of enactment*  
12        *of this Act, the Secretary shall transmit to the Committee*  
13        *on Commerce, Science, and Transportation of the Senate*  
14        *and the Committee on Energy and Commerce of the House*  
15        *of Representatives a report concerning any action that has*  
16        *been taken by the Secretary on railroad bridge displacement*  
17        *detection systems.*

18        **SEC. 8. TRACK SAFETY.**

19        *Section 20142 of title 49, United States Code, is*  
20        *amended—*

21                *(1) in subsection (b), by striking “September 3,*  
22        *1994” and inserting in lieu thereof “September 1,*  
23        *1995”;*

1           (2) in subsection (a)(1), by inserting “, includ-  
2           ing cold weather installation procedures” after “at-  
3           tendant structure”; and

4           (3) by adding at the end the following new sub-  
5           section:

6           “(d) IDENTIFICATION OF INTERNAL RAIL DEFECTS.—  
7           In carrying out subsections (a) and (b), the Secretary shall  
8           consider whether or not to prescribe regulations and issue  
9           orders concerning—

10           “(1) inspection procedures to identify internal  
11           rail defects, before they reach imminent failure size,  
12           in rail that has significant shelling; and

13           “(2) any specific actions that should be taken  
14           when a rail surface condition, such as shelling, pre-  
15           vents the identification of internal defects.”.

Amend the title so as to read as follows: “A bill to  
amend the rail safety provisions of title 49, United States  
Code, and for other purposes.”.