

105TH CONGRESS  
1ST SESSION

# S. 284

To amend title 23, United States Code, to improve safety at public railway-highway crossings, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

FEBRUARY 6, 1997

Mr. LUGAR (for himself and Mr. COATS) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

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## A BILL

To amend title 23, United States Code, to improve safety at public railway-highway 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 “Highway Rail Grade  
5       Crossing Safety Formula Enhancement Act of 1997”.

6       **SEC. 2. ALLOCATIONS OF APPORTIONED FUNDS FOR RAIL-**  
7       **WAY-HIGHWAY CROSSINGS.**

8       (a)   APPORTIONMENT     FOR     RAILWAY-HIGHWAY  
9       CROSSINGS.—Section 104(b)(3) of title 23, United States  
10      Code, is amended—

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(1) in subparagraph (A), by striking “For the”  
and inserting “After making the set aside required  
by subparagraph (C), for the”;

(2) in subparagraph (B)—

(A) in the first sentence, by striking “this  
paragraph” and inserting “subparagraph (A)”;  
and

(B) in the second sentence, by striking  
“this paragraph” and inserting “subparagraph  
(A) or this subparagraph”; and

(3) by adding at the end the following:

“(C) SET ASIDE FOR RAILWAY-HIGHWAY  
CROSSINGS.—For each fiscal year specified in  
section 133(d)(1)(B)(i), the Secretary shall—

“(i) set aside 5 percent of the funds  
authorized for the surface transportation  
program to be apportioned to States to be  
used in accordance with section  
133(d)(1)(B)(i); and

“(ii) apportion the funds set aside  
under clause (i) among the States so  
that—

“(I) 25 percent is apportioned  
based on the ratio of the total number  
of accidents at public railway-highway

1 crossings during the 3 full calendar  
2 years preceding the first day of the  
3 fiscal year in each State to that total  
4 in all States;

5 “(II) 25 percent is apportioned  
6 based on the ratio of the total number  
7 of fatalities at public railway-highway  
8 crossings during the 3 full calendar  
9 years preceding the first day of the  
10 fiscal year in each State to that total  
11 in all States;

12 “(III) 25 percent is apportioned  
13 based on the ratio, as of the first day  
14 of the fiscal year, of the number of  
15 public railway-highway crossings in  
16 each State to the number of public  
17 railway-highway crossings in all  
18 States;

19 “(IV) 25 percent is apportioned  
20 based on the ratio, as of the first day  
21 of the fiscal year, of the number of  
22 public railway-highway crossings with  
23 passive warning devices in each State

1 to the number of public railway-high-  
 2 way crossings with passive warning  
 3 devices in all States; and

4 “(V) notwithstanding subclauses  
 5 (I) through (IV), each State receives a  
 6 minimum apportionment of  $\frac{1}{4}$  of 1  
 7 percent of the funds set aside under  
 8 clause (i), except that each of Hawaii,  
 9 Puerto Rico, and the District of Co-  
 10 lumbia receives  $\frac{1}{8}$  of 1 percent of the  
 11 funds set aside under clause (i).”.

12 (b) ALLOCATIONS FOR SAFETY PROGRAMS.—Section  
 13 133(d) of title 23, United States Code, is amended by  
 14 striking paragraph (1) and inserting the following:

15 “(1) FOR SAFETY PROGRAMS.—

16 “(A) FISCAL YEARS 1991 THROUGH 1997.—

17 “(i) IN GENERAL.—Subject to clause  
 18 (ii), for each of fiscal years 1991 through  
 19 1997, 10 percent of the funds apportioned  
 20 to a State under section 104(b)(3)(A) for  
 21 the surface transportation program for a  
 22 fiscal year shall be available only to carry  
 23 out sections 130 and 152.

24 “(ii) MINIMUM.—Of the funds re-  
 25 quired to be made available by clause (i)

1 for a fiscal year, each State shall use an  
2 amount of the funds to carry out each of  
3 sections 130 and 152 that is not less than  
4 the amount of funds apportioned to the  
5 State for fiscal year 1991 under that sec-  
6 tion.

7 “(B) FISCAL YEAR 1998.—

8 “(i) RAILWAY-HIGHWAY CROSSINGS.—  
9 Subject to clause (iii), for fiscal year 1998,  
10 the funds apportioned to a State under  
11 section 104(b)(3)(C) shall be available only  
12 to carry out section 130.

13 “(ii) HAZARD ELIMINATION PRO-  
14 GRAM.—Subject to clause (iii), for fiscal  
15 year 1998, 5 percent of the funds appor-  
16 tioned to a State under section  
17 104(b)(3)(A) for the surface transportation  
18 program for fiscal year 1998 shall be avail-  
19 able only to carry out section 152.

20 “(iii) MINIMUM.—To the extent nec-  
21 essary to ensure that the amount of funds  
22 made available for fiscal year 1998 to  
23 carry out each of sections 130 and 152 is

1 not less than the amount of funds appor-  
2 tioned to the State for fiscal year 1991  
3 under that section, each State shall use—

4 “(I) funds described in clause (i)  
5 to carry out section 152; and

6 “(II) funds described in clause  
7 (ii) to carry out section 130.”.

8 (c) TECHNICAL CORRECTIONS.—Section 130 of title  
9 23, United States Code, is amended—

10 (1) by striking subsection (f); and

11 (2) by redesignating subsections (g) through (i)  
12 as subsections (f) through (h), respectively.

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