

106TH CONGRESS
1ST SESSION

S. 1559

To amend title 49, United States Code, to enhance the safety of motor carrier operations and the Nation’s highway system, including highway-rail crossings, by amending existing safety laws to strengthen commercial driver licensing, to improve compliance, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 5, 1999

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

A BILL

To amend title 49, United States Code, to enhance the safety of motor carrier operations and the Nation’s highway system, including highway-rail crossings, by amending existing safety laws to strengthen commercial driver licensing, to improve compliance, 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 **TITLE I—MOTOR CARRIER**
4 **SAFETY**

5 **SEC. 101. SHORT TITLE.**

6 This title may be cited as the “Motor Carrier Safety
7 Act of 1999”.

1 **SEC. 102. COMMERCIAL DRIVERS' LICENSES.**

2 (a) DRIVER'S LICENSE CRITERIA.—Section 31305(a)
3 of title 49, United States Code, is amended by—

4 (1) striking “and” after the semicolon in para-
5 graph (7);

6 (2) redesignating paragraph (8) as paragraph
7 (9); and

8 (3) adding a new paragraph (8) after para-
9 graph (7) as follows:

10 “(8) shall ensure that an individual who oper-
11 ates or will operate a commercial motor vehicle has
12 received training, including in-vehicle training, in the
13 safe operation of a motor vehicle of the type the in-
14 dividual operates or will operate; and”.

15 (b) MOVING TRAFFIC VIOLATIONS.—Section
16 31311(a) of title 49, United States Code, is amended by—

17 (1) redesignating paragraph (17) as paragraph
18 (18); and

19 (2) adding a new paragraph (17) after para-
20 graph (16) as follows:

21 “(17) The State shall record on a driver's com-
22 mercial driver's license record each conviction for a
23 moving traffic violation, including such a conviction
24 for a violation committed in a noncommercial motor
25 vehicle.”.

1 (c) DRUG- OR ALCOHOL-RELATED VIOLATIONS.—
 2 Section 31311(a) of title 49, United States Code, is fur-
 3 ther amended by adding a new paragraph at the end as
 4 follows:

5 “(19) The State may not issue a commercial
 6 driver’s license to an individual within 3 years after
 7 the date the individual was convicted of any drug-
 8 or alcohol-related traffic violation, including a con-
 9 viction for a violation committed in a noncommercial
 10 motor vehicle.”.

11 (d) DIVERSION OR SPECIAL LICENSING PRO-
 12 GRAMS.—Section 31311(a)(10) of title 49, United States
 13 Code, is amended by adding a new sentence at the end
 14 as follows: “The State may not issue a special license or
 15 permit to a commercial driver’s license holder that permits
 16 the driver to drive a commercial motor vehicle during a
 17 period in which the individual is disqualified from oper-
 18 ating a commercial motor vehicle or the individual’s driv-
 19 er’s license is revoked, suspended, or canceled.”.

20 (e) TRANSFER OF AMOUNTS FOR STATE NON-
 21 COMPLIANCE.—(1) Section 31314 of title 49, United
 22 States Code, is amended to read as follows:

1 **“§ 31314. Transfer of amounts for State noncompli-**
 2 **ance**

3 “(a) IN GENERAL.—On October 1, 2001, or as soon
 4 thereafter as practicable, and each October 1 thereafter,
 5 if a State has not complied substantially with all require-
 6 ments of section 31311(a) of this title, the Secretary of
 7 Transportation shall transfer up to 5 percent of the
 8 amount required to be apportioned to the State on that
 9 date under each of paragraphs (1), (3), and (4) of section
 10 104(b) of title 23 to the amount made available to the
 11 State to carry out section 31102.

12 “(b) TRANSFER OF OBLIGATION AUTHORITY.—If the
 13 Secretary transfers under this section any funds to the
 14 apportionment to a State under section 31102 of this title
 15 for a fiscal year, the Secretary shall transfer an equal
 16 amount of obligation authority distributed for the fiscal
 17 year to the State.

18 “(c) LIMITATION ON APPLICABILITY OF OBLIGATION
 19 LIMITATION.—Notwithstanding any other provision of
 20 law, no limitation on the total of obligations to carry out
 21 section 31102 of this title shall apply to funds transferred
 22 under this section to the apportionment of a State under
 23 such section.”.

24 (2) Item 31314 in the analysis of chapter 313 of title
 25 49, United States Code, is amended to read as follows:

“31314. Transfer of amounts for State noncompliance.”.

1 **SEC. 103. SAFETY FITNESS OF OWNERS AND OPERATORS.**

2 Section 31144(b)(1) of title 49, United States Code,
3 is amended by inserting the following before the period
4 at the end of that paragraph: “, including a requirement
5 that no owner or operator that begins commercial motor
6 vehicle operations after the date of enactment of this sec-
7 tion will be determined to be fit unless such owner or oper-
8 ator has attended a program for the education of owners
9 and operators that covers, at a minimum, safety, size and
10 weight, and financial responsibility regulations adminis-
11 tered by the Secretary. The Secretary shall assess a fee
12 to defray the cost of the program. The Secretary may use
13 third parties to provide the education program.”.

14 **SEC. 104. REDISTRIBUTION OF UNUSED FEDERAL-AID OBLI-**
15 **GATION AUTHORITY.**

16 Section 1102(d) of the Transportation Equity Act for
17 the 21st Century (Public Law 105–178) is amended by
18 inserting at the end the following: “, except that, begin-
19 ning in fiscal year 2001 through fiscal year 2003, no redis-
20 tribution shall be made to a State that fails to reduce the
21 number of fatalities in a year resulting from commercial
22 motor vehicle crashes by at least 5 percent, based on the
23 most recent year for which such data are available com-
24 pared to the previous year. For purposes of this section
25 ‘commercial motor vehicle’ has the meaning specified in
26 section 31301 of title 49, United States Code.”.

1 **SEC. 105. ON-BOARD RECORDERS.**

2 (a) FEDERAL REGULATIONS.—The Secretary of
3 Transportation, after notice and opportunity for comment,
4 shall issue regulations requiring, as appropriate, the in-
5 stallation and use of on-board recorders or other tech-
6 nologies on commercial motor vehicles to manage the
7 hours of service of drivers.

8 (b) DEFINITIONS.—In this section “commercial
9 motor vehicle” has the meaning specified in section 31132
10 of title 49, United States Code.

11 (c) DEADLINES.—The regulations required under
12 subsection (a) of this section shall be developed pursuant
13 to a rulemaking proceeding initiated within 120 days after
14 enactment of this section and shall be issued not later
15 than 2 years after the date of enactment.

16 **SEC. 106. DRIVER COMPENSATION AND SAFETY STUDY.**

17 (a) STUDY.—The Secretary of Transportation shall
18 conduct a study to identify methods used to compensate
19 drivers of commercial motor vehicles, examine how dif-
20 ferent methods may affect safety and compliance with
21 Federal and State motor carrier safety requirements, in-
22 cluding hours of service regulations, and identify ways
23 safety could be improved through changes in driver com-
24 pensation. Such study should include an examination of
25 compensation incentives which could improve safety and
26 compliance with safety regulations.

1 (b) CONSULTATION.—In carrying out the study, the
 2 Secretary shall consult with private and for-hire motor
 3 carriers, independent owner operators, organized labor,
 4 drivers, safety organizations, and State and local govern-
 5 ments.

6 (c) REPORT.—Not later than 3 years after the date
 7 of enactment of this section, the Secretary shall transmit
 8 to Congress a report on the results of the study with any
 9 recommendations the Secretary determines appropriate as
 10 a result of the study.

11 (d) AVAILABILITY OF AMOUNTS.—\$250,000 per fis-
 12 cal year for fiscal years 2001 through 2003 are made
 13 available from the Highway Trust Fund (other than the
 14 Mass Transit Account) for the Secretary of Transpor-
 15 tation to carry out this section.

16 (e) CONTRACT AUTHORITY; DATE AVAILABLE FOR
 17 OBLIGATION.—The amounts made available by this sec-
 18 tion from the Highway Trust Fund (other than the Mass
 19 Transit Account) to carry out this section shall be avail-
 20 able for obligation on October 1, or as soon thereafter as
 21 practicable, of the fiscal year for which they are available
 22 for obligation.

23 **SEC. 107. PUBLIC INFORMATION AND EDUCATION.**

24 The Secretary of Transportation shall expend from
 25 administrative funds deducted under section 104(a) of

1 title 23, United States Code, not more than \$500,000 for
 2 each fiscal year, beginning in fiscal year 2001, to carry
 3 out public information and education programs to prevent
 4 crashes involving commercial motor vehicles. The Sec-
 5 retary shall make grants to at least 3 entities from among
 6 States, local governments, law enforcement organizations,
 7 private sector entities, nonprofit organizations, or com-
 8 mercial motor vehicle driver organizations to develop and
 9 implement programs to discourage drivers of commercial
 10 motor vehicles and drivers of passenger vehicles and motor
 11 carriers from taking safety risks. Such programs may be
 12 based on methods used in other public safety campaigns
 13 to improve driver performance.

14 **SEC. 108. PERIODIC REFILE OF MOTOR CARRIER IDENTI-**
 15 **FICATION REPORTS.**

16 (a) **FEDERAL REGULATIONS.**—The Secretary of
 17 Transportation shall amend section 385.21 of title 49,
 18 Code of Federal Regulations, to require periodic updating
 19 of the Motor Carrier Identification Report, Form MCS–
 20 150, by each motor carrier conducting operations in inter-
 21 state or foreign commerce.

22 (b) **AVAILABILITY OF AMOUNTS.**—\$5,500,000 per
 23 year, for fiscal years 2001 through 2003, are made avail-
 24 able from the Highway Trust Fund (other than the Mass

1 Transit Account) to the Secretary of Transportation to
 2 carry out this section.

3 (c) ADMINISTRATIVE COSTS.—The Secretary may
 4 use, for the administration of this section, amounts made
 5 available under subsection (b) of this section for each of
 6 fiscal years 2001 through 2003.

7 (d) CONTRACT AUTHORITY; DATE AVAILABLE FOR
 8 OBLIGATION.—The amounts made available by this sec-
 9 tion from the Highway Trust Fund (other than the Mass
 10 Transit Account) to carry out this section shall be avail-
 11 able for obligation on October 1, or as soon thereafter as
 12 practicable, of the fiscal year for which they are available
 13 for obligation.

14 **SEC. 109. AIDING AND ABETTING.**

15 (a) Chapter 5 of title 49, United States Code, is
 16 amended by inserting the following after section 526:

17 **“§ 527. Aiding and abetting**

18 “A person who knowingly aids, abets, counsels, com-
 19 mands, induces, or procures a violation of a regulation or
 20 order issued by the Secretary of Transportation under
 21 chapter 311 or section 31502 of this title shall be subject
 22 to civil and criminal penalties under this chapter to the
 23 same extent as the motor carrier or driver who commits
 24 a violation.”.

1 (b) The analysis of chapter 5 of title 49, United
2 States Code, is amended by adding the following at the
3 end:

“527. Aiding and abetting.”.

4 **SEC. 110. IMMINENT HAZARD.**

5 Section 521(b)(5) of title 49, United States Code, is
6 amended by revising subparagraph (B) to read as follows:

7 “(B) In this paragraph ‘imminent hazard’
8 means any violation, or series of violations, of
9 the statutes or regulations specified in subpara-
10 graph (A) of this paragraph that could result in
11 a highway crash if not discontinued within 24
12 hours.”.

13 **SEC. 111. INNOVATIVE TRAFFIC LAW PILOT PROGRAM.**

14 (a) PILOT PROGRAM.—The Secretary of Transpor-
15 tation shall carry out a pilot program in cooperation with
16 1 or more States to develop innovative methods of improv-
17 ing compliance with traffic laws, including those per-
18 taining to highway-rail grade crossings. Such methods
19 may include the use of photography and other imaging
20 technologies.

21 (b) REPORT.—Not later than 3 years after the start
22 of the pilot program, the Secretary shall transmit to Con-
23 gress a report on the results of the pilot program, together
24 with any recommendations as the Secretary determines
25 appropriate.

1 (c) AVAILABILITY OF AMOUNTS.—\$500,000 per year,
 2 for fiscal years 2001 through 2003, are made available
 3 from the Highway Trust Fund (other than the Mass Tran-
 4 sit Account) to the Secretary of Transportation to carry
 5 out this section.

6 (d) CONTRACT AUTHORITY; DATE AVAILABLE FOR
 7 OBLIGATION.—The amounts made available by this sec-
 8 tion from the Highway Trust Fund (other than the Mass
 9 Transit Account) to carry out this section shall be avail-
 10 able for obligation on October 1, or as soon thereafter as
 11 practicable, of the fiscal year for which they are made
 12 available for obligation.

13 **SEC. 112. RESEARCH ON HEAVY VEHICLE SAFETY AND**
 14 **DRIVER PERFORMANCE.**

15 (a) RESEARCH ON HEAVY VEHICLE SAFETY AND
 16 DRIVER PERFORMANCE.—The Secretary, through the Na-
 17 tional Highway Traffic Safety Administration, shall con-
 18 duct research on heavy vehicle safety, including measures
 19 to improve braking and stability, measures to improve ve-
 20 hicle compatibility in crashes between heavier and lighter
 21 vehicles, and measures to improve the performance of
 22 motor vehicle drivers.

23 (b) AVAILABILITY OF AMOUNTS.—\$5,000,000 per
 24 year, for fiscal years 2001 through 2003, are made avail-
 25 able from the Highway Trust Fund (other than the Mass

1 Transit Account) to the Secretary of Transportation to
 2 carry out this section.

3 (c) CONTRACT AUTHORITY; DATE AVAILABLE FOR
 4 OBLIGATION.—The amounts made available by this sec-
 5 tion from the Highway Trust Fund (other than the Mass
 6 Transit Account) to carry out this section shall be avail-
 7 able for obligation on October 1, or as soon thereafter as
 8 practicable, of the fiscal year for which they are made
 9 available for obligation.

10 **SEC. 113. IMPROVED DATA ANALYSIS SYSTEM.**

11 (a) IN GENERAL.—The Secretary of Transportation
 12 shall carry out a program, in cooperation with the States,
 13 to improve the collection and analysis of data on crashes
 14 involving commercial vehicles.

15 (b) PROGRAM ADMINISTRATION.—The Secretary
 16 shall administer the program through the National High-
 17 way Traffic Safety Administration, which shall be respon-
 18 sible for entering into agreements with the States to col-
 19 lect data, train State employees to assure the quality and
 20 uniformity of the data, and report the data by electronic
 21 means to a central data repository.

22 (c) PROGRAM DEVELOPMENT.—The National High-
 23 way Traffic Safety Administration and the Federal High-
 24 way Administration shall develop a data program in co-
 25 operation with the States, motor carriers, and other data

1 users to determine data needs; develop data definitions to
2 assure high-quality, compatible data; and create an acces-
3 sible database that will improve commercial vehicle safety.
4 The program should also incorporate driver citation and
5 conviction information into the data system. Emphasis
6 should also be placed on highway and traffic data.

7 (d) USE OF DATA.—The National Highway Traffic
8 Safety Administration shall be responsible for integrating
9 the data; generating reports from the data; and making
10 the database available electronically to the Federal High-
11 way Administration, the States, motor carriers, and other
12 interested parties for problem identification, program eval-
13 uation, planning, and other safety-related activities.

14 (e) REPORT.—Not later than 3 years after the start
15 of the improved data program, the Secretary shall trans-
16 mit to Congress a report on the program, together with
17 any recommendations as the Secretary determines appro-
18 priate.

19 (f) AVAILABILITY OF AMOUNTS.—Of the amounts
20 made available under section 31107 of title 49, United
21 States Code, \$10,000,000 per year, for fiscal years 2001
22 through 2003, may be used by the Secretary of Transpor-
23 tation to carry out this section.

24 (g) CONTRACT AUTHORITY; DATE AVAILABLE FOR
25 OBLIGATION.—The amounts made available by this sec-

1 tion from the Highway Trust Fund (other than the Mass
 2 Transit Account) to carry out this section shall be avail-
 3 able for obligation on October 1, or as soon thereafter as
 4 practicable, of the fiscal year for which they are made
 5 available for obligation.

6 **SEC. 114. AUTHORIZATIONS—FISCAL YEARS 2001 THROUGH**
 7 **2003.**

8 (a) GRANTS.—Section 31104(a) of title 49, United
 9 States Code, is amended by revising paragraphs (4)
 10 through (6) to read as follows:

11 “(4) Not more than \$125,500,000 for fiscal
 12 year 2001.

13 “(5) Not more than \$130,500,000 for fiscal
 14 year 2002.

15 “(6) Not more than \$135,500,000 for fiscal
 16 year 2003.”.

17 (b) INFORMATION SYSTEMS.—Section 31107(a) of
 18 title 49, United States Code, is amended by—

19 (1) striking “and” in paragraph (2); and

20 (2) revising paragraphs (3) and (4) to read as
 21 follows:

22 “(3) \$36,500,000 for each of fiscal years 2001
 23 and 2002; and

24 “(4) \$39,500,000 for fiscal year 2003.”.

1 **TITLE II—HIGHWAY-RAIL GRADE**
2 **CROSSING SAFETY**

3 **SEC. 201. SHORT TITLE.**

4 This title may be cited as the “Highway-Rail Grade
5 Crossing Safety Act of 1999”.

6 **SEC. 202. EMERGENCY NOTIFICATION OF GRADE CROSSING**
7 **PROBLEMS.**

8 Section 20152 of title 49, United States Code, is
9 amended to read as follows:

10 **“§ 20152. Emergency notification of grade crossing**
11 **problems**

12 “(a) PROGRAM.—(1) The Secretary of Transpor-
13 tation shall promote the establishment of emergency noti-
14 fication systems utilizing toll-free telephone numbers that
15 the public can use to convey to railroad carriers, either
16 directly or through public safety personnel, information
17 about malfunctions of automated warning devices or other
18 safety problems at highway-rail grade crossings.

19 “(2) To assist in encouraging widespread use of such
20 systems, the Secretary may provide technical assistance
21 and enter into cooperative agreements. Such assistance
22 shall include appropriate emphasis on the public safety
23 needs associated with operation of small railroads.

24 “(b) REPORT.—Not later than 24 months following
25 enactment of the Highway-Rail Grade Crossing Safety Act

1 of 1999, the Secretary shall report to Congress the status
 2 of such emergency notification systems, together with any
 3 recommendations for further legislation that the Secretary
 4 considers appropriate.

5 “(c) CLARIFICATION OF TERM.—In this section, the
 6 use of the term ‘emergency’ does not alter the cir-
 7 cumstances under which a signal employee subject to the
 8 hours of service law limitations in chapter 211 of this title
 9 may be permitted to work up to 4 additional hours in a
 10 24-hour period when an ‘emergency’ under section
 11 21104(c) of this title exists and the work of that employee
 12 is related to the emergency.”.

13 **SEC. 203. VIOLATION OF GRADE CROSSING SIGNALS.**

14 (a) IN GENERAL.—Section 20151 of title 49, United
 15 States Code, is amended—

16 (1) by amending the section heading to read as
 17 follows:

18 **“§ 20151. Strategy to prevent railroad trespassing and**
 19 **vandalism and violation of grade crossing**
 20 **signals”;**

21 (2) in subsection (a)—

22 (A) by striking “and vandalism affecting
 23 railroad safety” and inserting “, vandalism af-
 24 fecting railroad safety, and violations of high-
 25 way-rail grade crossing signals”;

1 (B) by inserting “, concerning trespassing
2 and vandalism,” after “such evaluation and re-
3 view”; and

4 (C) by inserting “The second such evalua-
5 tion and review, concerning violations of high-
6 way-rail grade crossing signals, shall be com-
7 pleted not later than 1 year after the date of
8 enactment of the Highway-Rail Grade Crossing
9 Safety Act of 1999” after “November 2,
10 1994.”;

11 (3) in the subsection heading of subsection (b),
12 by inserting “FOR TRESPASSING AND VANDALISM
13 PREVENTION” after “OUTREACH PROGRAM”;

14 (4) in subsection (c)—

15 (A) by redesignating paragraphs (1) and
16 (2) as subparagraphs (A) and (B), respectively;

17 (B) by inserting “(1)” after “MODEL LEG-
18 ISLATION.—”; and

19 (C) by adding at the end the following new
20 paragraph:

21 “(2) Not later than 2 years after the date of enact-
22 ment of the Highway-Rail Grade Crossing Safety Act of
23 1999, the Secretary, after consultation with State and
24 local governments and railroad carriers, shall develop and
25 make available to State and local governments model State

1 legislation providing for civil or criminal penalties, or both,
 2 for violations of highway-rail grade crossing signals.”; and

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

5 “(d) DEFINITION.—In this section ‘violation of high-
 6 way-rail grade crossing signals’ includes any action by a
 7 motor vehicle operator, unless directed by an authorized
 8 safety office—

9 “(1) to drive around or through a grade cross-
 10 ing gate in a position intended to block passage over
 11 railroad tracks;

12 “(2) to drive through a flashing grade crossing
 13 signal;

14 “(3) to drive through a grade crossing with pas-
 15 sive warning signs without determining that the
 16 grade crossing could be safely crossed before any
 17 train arrives; and

18 “(4) in the vicinity of a grade crossing, that
 19 creates a hazard of an accident involving injury or
 20 property damage at the grade crossing.”.

21 (b) CONFORMING AMENDMENT.—The item relating
 22 to section 20151 in the table of sections for subchapter
 23 II of chapter 201 of title 49, United States Code, is
 24 amended to read as follows:

“20151. Strategy to prevent railroad trespassing and vandalism and violation of
 grade crossing signals.”.

1 **SEC. 204. NATIONAL HIGHWAY-RAIL CROSSING INVENTORY.**

2 (a) AMENDMENT.—Subchapter II of chapter 201 of
3 title 49, United States Code, is amended by adding at the
4 end the following:

5 **“§ 20154. National highway-rail crossing inventory**

6 “(a) MANDATORY INITIAL REPORTING OF CROSSING
7 INFORMATION.—No later than September 30, 2001, each
8 railroad carrier shall—

9 “(1) report to the Secretary of Transportation
10 certain information, as specified by the Secretary by
11 rule or order issued after notice and opportunity for
12 public comment or by guidelines, concerning each
13 highway-rail crossing through which the carrier op-
14 erates; or

15 “(2) otherwise ensure that the information has
16 been reported to the Secretary by that date.

17 “(b) MANDATORY PERIODIC UPDATING OF CROSSING
18 INFORMATION.—On a periodic basis beginning no later
19 than September 30, 2003, and not less often than Sep-
20 tember 30 of every third year thereafter, or as otherwise
21 specified by the Secretary of Transportation by rule or
22 order issued after notice and opportunity for public com-
23 ment or by guidelines, each railroad carrier shall—

24 “(1) report to the Secretary certain current in-
25 formation, as specified by the Secretary by rule or
26 order issued after notice and opportunity for public

1 comment or by guidelines, concerning each highway-
 2 rail grade crossing through which it operates; or

3 “(2) otherwise ensure that the information has
 4 been reported to the Secretary by that date.

5 “(c) DEFINITIONS.—In this section—

6 “(1) ‘highway-rail crossing’ means a location
 7 within a State where a public highway, road, street,
 8 or private roadway, including associated sidewalks
 9 and pathways, crosses 1 or more railroad tracks ei-
 10 ther at grade or grade separated; and

11 “(2) ‘State’ means a State of the United
 12 States, the District of Columbia, Puerto Rico, the
 13 Northern Mariana Islands, Guam, American Samoa,
 14 and the Virgin Islands.”.

15 (b) TABLE OF SECTIONS AMENDMENT.—The table of
 16 sections for chapter 201 of title 49, United States Code,
 17 is amended by adding after item 20153 the following:

“20154. National highway-rail crossing inventory.”.

18 (c) AMENDMENT.—Section 130 of title 23, United
 19 States Code, is amended—

20 (1) by amending the section heading to read as
 21 follows:

22 “§ 130. Highway-rail crossings”;

23 and

24 (2) by inserting the following new subsection at
 25 the end:

1 “(k) NATIONAL HIGHWAY-RAIL CROSSING INVEN-
2 TORY.—

3 “(1) MANDATORY INITIAL REPORTING OF
4 CROSSING INFORMATION.—No later than September
5 30, 2001, each State shall—

6 “(A) report to the Secretary of Transpor-
7 tation certain information, as specified by the
8 Secretary by rule or order issued after notice
9 and opportunity for public comment or by
10 guidelines, concerning each highway-rail cross-
11 ing located within its borders; or

12 “(B) otherwise ensure that the information
13 has been reported to the Secretary by that date.

14 “(2) MANDATORY PERIODIC UPDATING OF
15 CROSSING INFORMATION.—On a periodic basis be-
16 ginning no later than September 30, 2003, and not
17 less often than by September 30, of every third year
18 thereafter, or as otherwise specified by the Secretary
19 of Transportation by rule or order issued after no-
20 tice and opportunity for public comment or by guide-
21 lines, each State shall—

22 “(A) report to the Secretary certain cur-
23 rent information, as determined by the Sec-
24 retary by rule or order issued after notice and
25 opportunity for public comment or by guide-

1 lines, concerning each highway-rail crossing lo-
 2 cated within its borders; or

3 “(B) otherwise ensure that the information
 4 has been reported to the Secretary by that date.

5 “(3) DEFINITIONS.—In this subsection—

6 “(A) ‘highway-rail crossing’ means a loca-
 7 tion where a public highway, road, street, or
 8 private roadway, including associated sidewalks
 9 and pathways, crosses 1 or more railroad tracks
 10 either at grade or grade separated; and

11 “(B) ‘State’ means a State of the United
 12 States, the District of Columbia, Puerto Rico,
 13 the Northern Mariana Islands, Guam, Amer-
 14 ican Samoa, and the Virgin Islands.”.

15 (d) TABLE OF SECTIONS AMENDMENT.—The table
 16 of sections for chapter 1 of title 23, United States Code,
 17 is amended by striking the existing item for section 130
 18 and inserting the following:

“130. Highway-rail crossings.”.

19 (e) CIVIL PENALTIES.—(1) Section 21301(a)(1) of
 20 title 49, United States Code, is amended—

21 (A) by striking the period at the end of the first
 22 sentence and inserting “or with section 20154 of
 23 this title.”; and

1 (B) in the second sentence, by inserting “or vio-
2 lating section 20154” between “chapter 201” and
3 “is liable”.

4 (2) Section 21301(a)(2) of title 49, United States
5 Code, is amended by inserting after the first sentence the
6 following: “The Secretary shall subject a person to a civil
7 penalty for a violation of section 20154 of this title.”.

○