

109TH CONGRESS
1ST SESSION

H. R. 3596

To improve the quality of life and safety of persons living and working
near railroad tracks.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 2005

Mr. ROTHMAN introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To improve the quality of life and safety of persons living
and working near railroad tracks.

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 “Local Participation
5 in Railroad Operations Act”.

6 **SEC. 2. LOCAL INPUT.**

7 (a) AMENDMENT.—Chapter 109 of title 49, United
8 States Code, is amended by adding at the end the fol-
9 lowing new section:

1 **“§ 10908. Local input**

2 “(a) REQUIREMENT.—A rail carrier providing trans-
3 portation subject to the jurisdiction of the Board under
4 this part shall not construct, develop, or expand railroad
5 maintenance facilities, intermodal rail transfer facilities,
6 railroad sidings, railroad bridges, railroad yards, or other
7 railroad facilities unless the Board determines that the rail
8 carrier has—

9 “(1) provided local communities with appro-
10 priate notice of such activities;

11 “(2) conducted an assessment of negative envi-
12 ronmental impacts and appropriate mitigation ac-
13 tions pursuant to any State or local law that, re-
14 gardless of whether the rail carrier is required to
15 comply with such law, requires such assessments to
16 be made in similar circumstances;

17 “(3) held at least one public hearing in each
18 municipality which is directly affected by such con-
19 struction, development, or expansion activities; and

20 “(4) made good faith efforts to address con-
21 cerns raised in response to such notice.

22 “(b) APPROPRIATE NOTICE.—Not later than 6
23 months after the date of the enactment of this section,
24 the Board shall by regulation prescribe procedures that
25 constitute appropriate notice under various foreseeable cir-
26 cumstances, including emergency circumstances.

1 “(c) APPROVAL OF CERTAIN AT-GRADE CROSS-
2 INGS.—A rail carrier providing transportation subject to
3 the jurisdiction of the Board under this part shall not con-
4 struct an at-grade crossing over a public road without first
5 obtaining approval from the local governmental entity with
6 jurisdiction over the location of the proposed grade cross-
7 ing.”.

8 (b) TABLE OF SECTIONS.—The table of sections for
9 such chapter 109 is amended by adding at the end the
10 following new item:

“10908. Local input.”.

11 **SEC. 3. PUBLIC MEETINGS.**

12 (a) REQUIREMENT.—Within 6 months after the date
13 of the enactment of this Act, and annually thereafter, the
14 Secretary of Transportation shall convene 6 public meet-
15 ings, including at least one in northern New Jersey, to
16 provide an opportunity for the participants to present
17 their views, respond to the views of others, and discuss
18 issues relating to the quality of life and safety of persons
19 who live, work, or are for any other reason near railroad
20 tracks. The goal of such meetings shall be the identifica-
21 tion of appropriate solutions to the quality-of-life and safe-
22 ty problems that are discussed. The meetings shall be held
23 in diverse geographic locations where the Secretary con-
24 sidered the need for and benefits to be derived from such
25 meetings to be the greatest.

1 (b) PARTICIPATION.—The Secretary of Transpor-
 2 tation shall make every effort to ensure participation at
 3 such meetings by local elected officials, appropriate rep-
 4 resentatives of the Department of Transportation, State
 5 and local environmental protection agencies, local public
 6 health officials, railroad management, railroad labor, rail-
 7 road shippers, and individuals representing community in-
 8 terests.

9 (c) REPORTS TO CONGRESS.—The Secretary of
 10 Transportation shall, within 3 months after the comple-
 11 tion of each round of public meetings convened pursuant
 12 to subsection (a), transmit to the Congress a report sum-
 13 marizing the results of the public meetings, and including
 14 recommendations to Congress for measures to help im-
 15 prove the quality of life and safety of persons who live,
 16 work, or are for any other reason near railroad tracks.

17 **SEC. 4. PROTECTING LOCAL RESIDENTS IN RAILROAD**
 18 **TRANSACTIONS.**

19 Section 11324 of title 49, United States Code, is
 20 amended by adding at the end the following new sub-
 21 section:

22 “(g) The Board shall not approve a transaction de-
 23 scribed in section 11323(a) unless the Board has received
 24 assurances that the rail carriers who will be responsible
 25 for rail operations resulting from or affected by the trans-

1 action have addressed adequately and will continue to ad-
2 dress adequately problems identified with respect to the
3 quality of life and safety of persons who live, work, or are
4 for any other reason near railroad tracks.”.

5 **SEC. 5. REGULATIONS TO REDUCE NOISE POLLUTION**
6 **ALONG RAILROAD LINES.**

7 (a) REQUIREMENT.—Within 6 months after the date
8 of the enactment of this Act, the Administrator of the En-
9 vironmental Protection Agency, after consultation with the
10 Secretary of Transportation, shall publish in the Federal
11 Register proposed regulations for reducing noise pollution
12 generated from railroad operations and railroad facilities.

13 (b) PUBLIC HEALTH AND WELFARE.—Such regula-
14 tions shall be prescribed to protect the public health and
15 welfare, including the health and welfare of persons who
16 live, work, or are for any other reason near railroad
17 tracks, taking into account the degree of noise reduction
18 improvements achievable through the application of the
19 best available technology and the cost of compliance.

20 (c) AUDIBLE WARNINGS.—In prescribing such regu-
21 lations, the Administrator shall give strong consideration
22 to section 20153 of title 49, United States Code, and shall
23 seek to ensure that public safety is not compromised.

24 (d) FINAL REGULATIONS.—Within 90 days after
25 publication of proposed regulations under subsection (a),

1 the Administrator shall promulgate final regulations. Reg-
2 ulations issued under this section shall be in lieu of any
3 Federal railroad-related noise regulations for locomotives
4 and rail cars. Such regulations may be revised, from time
5 to time, in accordance with this section.

6 (e) REPEAL.—Upon the issuance of final regulations
7 under subsection (d), section 17 of the Noise Control Act
8 of 1972 (42 U.S.C. 4916) is repealed.

○