

109TH CONGRESS
1ST SESSION

H. R. 4372

To provide for a rail worker emergency training program.

IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 17, 2005

Mr. LYNCH introduced the following bill; which was referred to the Committee on Homeland Security, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for a rail worker emergency training program.

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 “Rail Worker Emer-
5 gency Training Act of 2005”.

6 **SEC. 2. RAIL WORKER EMERGENCY TRAINING GRANTS.**

7 (a) **RAIL WORKER EMERGENCY TRAINING**
8 **GRANTS.**—The Secretary of Homeland Security, in coordi-
9 nation with the Secretary of Transportation, is authorized

1 to make grants to railroad carriers for costs incurred in
2 compliance with section 3.

3 (b) AUTHORIZATION OF APPROPRIATIONS.—There
4 are authorized to be appropriated to the Secretary of
5 Homeland Security \$100,000,000 to carry out the pur-
6 poses of this Act. Amounts appropriated pursuant to this
7 subsection shall remain available until expended.

8 **SEC. 3. RAIL WORKER EMERGENCY TRAINING PROGRAM.**

9 (a) IN GENERAL.—Not later than 90 days after the
10 date of enactment of this Act, the Secretary of Homeland
11 Security, in consultation with the Secretary of Transpor-
12 tation and appropriate rail entities, shall issue detailed
13 guidelines for a rail worker emergency training program
14 designed to enhance rail worker training in preparation
15 for and response to potential or actual terrorist attacks,
16 natural disasters, and other emergencies.

17 (b) PROGRAM ELEMENTS.—The guidelines developed
18 under subsection (a) shall require such a program to in-
19 clude, at a minimum, elements that comprehensively ad-
20 dress the following:

21 (1) Critical infrastructure and equipment secu-
22 rity inspection.

23 (2) Hazardous material storage, transport, and
24 monitoring.

1 (3) Evacuation procedures in the event of fire,
2 explosion, natural disaster, and other emergencies.

3 (4) Unauthorized rail yard access and rail yard
4 security.

5 (5) Procedure for reporting suspicious activity,
6 critical infrastructure, rail yard, and equipment se-
7 curity breaches, hazardous material storage or trans-
8 port safety breaches, and other security or safety
9 breaches.

10 (6) Notification of law enforcement, emergency
11 response, and other appropriate officials in the event
12 of a terrorist attack, natural disaster, hazardous ma-
13 terial explosion, and other emergencies.

14 (7) Rail worker notification and training on
15 railroad security plans, including a railroad carrier's
16 threat level identification system, employee notifica-
17 tion when such levels change, employee roles and re-
18 sponsibilities regarding the security plan, and lines
19 of communication and coordination in the event of
20 an emergency.

21 (8) Passenger communication and coordination
22 in the event of an emergency.

23 (9) Live situational training exercises regarding
24 various emergency scenarios, including terrorist at-

1 tacks, natural disasters, and hazardous material ex-
2 plosions.

3 (10) Protective equipment and device use.

4 (11) Locomotive cab securement.

5 (12) Background, skills, and “fitness for duty”
6 checks for railroad contractors, subcontractors, and
7 their employees equal to those applicable to railroad
8 employees.

9 (13) Distress codes for use by train crews,
10 bridge tenders, and others as the Secretary of
11 Homeland Security considers appropriate.

12 (14) Appropriate responses to defend onself.

13 (15) Any other subject the Secretary of Home-
14 land Security considers appropriate.

15 (c) RAILROAD CARRIER PROGRAMS.—Not later than
16 90 days after the Secretary of Homeland Security issues
17 guidelines under subsection (a) in final form, each railroad
18 carrier shall develop a rail worker emergency training pro-
19 gram in accordance with those guidelines and submit it
20 to the Secretary of Homeland Security for approval. Not
21 later than 60 days after receiving a railroad carrier’s pro-
22 gram under this subsection, the Secretary shall review the
23 program and approve it or require the railroad carrier to
24 make any revisions the Secretary considers necessary for
25 the program to meet the guideline requirements.

1 (d) TRAINING.—Not later than 1 year after the Sec-
2 retary of Homeland Security approves the training pro-
3 gram developed by a railroad carrier under this section,
4 the railroad carrier shall complete the training of all rail
5 workers in accordance with that program.

6 (e) UPDATES.—The Secretary of Homeland Security
7 shall update the training guidelines issued under sub-
8 section (a) from time to time to reflect new or different
9 security threats, and shall require railroad carriers to re-
10 vise their programs accordingly and provide additional
11 training to their rail workers. Not later than 60 days after
12 the Secretary of Homeland Security notifies railroad car-
13 riers to revise their programs to reflect updated guidelines
14 issued by the Secretary under this section, each railroad
15 carrier shall make all required revisions and submit their
16 revised emergency training program to the Secretary of
17 Homeland Security for approval. Not later than 60 days
18 after receiving a railroad carrier's revised program under
19 this subsection, the Secretary shall review the program
20 and approve it or require the railroad carrier to make any
21 revisions the Secretary considers necessary for the pro-
22 gram to meet updated guideline requirements. Not later
23 than 180 days after the Secretary approves the revised
24 training program developed by a railroad carrier under
25 this subsection, the railroad carrier shall complete the

1 training of all rail workers in accordance with the Sec-
2 retary’s updated guidelines.

3 **SEC. 4. NONCOMPLIANCE.**

4 The Secretary of Homeland Security may issue a let-
5 ter of noncompliance to any rail carrier that has failed
6 to comply with the obligations imposed by this Act. Any
7 such letters issued shall be transmitted to Congress and
8 published in the Federal Register.

9 **SEC. 5. DEFINITIONS.**

10 For purposes of this Act:

11 (1) **APPROPRIATE RAIL ENTITIES.**—The term
12 “appropriate rail entities” means freight and pas-
13 senger railroad carriers, nonprofit employee organi-
14 zations representing rail workers, nonprofit employee
15 organizations representing emergency responders,
16 owners or lessors of rail cars used to transport haz-
17 ardous materials, shippers of hazardous materials,
18 manufacturers of rail tank cars, State Departments
19 of Transportation, public safety officials, and other
20 relevant parties.

21 (2) **RAILROAD.**—The term “railroad” has the
22 meaning given that term in section 20102(1) of title
23 49, United States Code.

1 (3) RAILROAD CARRIER.—The term “railroad
2 carrier” has the meaning given that term in section
3 20102(2) of title 49, United States Code.

4 (4) RAIL WORKER.—The term “rail worker” in-
5 cludes any employee of a railroad carrier, or of a
6 railroad carrier contractor or subcontractor, who—

7 (A) inspects, tests, maintains, or repairs
8 brakes, other mechanical systems or compo-
9 nents, or safety appliances on railroad cars or
10 locomotives;

11 (B) is engaged in the operation of any
12 train, including an employee that performs the
13 duties of a hostler;

14 (C) dispatches, reports, transmits, receives,
15 or delivers orders pertaining to train move-
16 ments via telegraph, telephone, radio, or any
17 other electrical or mechanical device;

18 (D) installs, repairs, tests, or maintains
19 signal systems;

20 (E) inspects, constructs, or repairs railroad
21 track, bridges, roadway, electrical traction sys-
22 tems, roadway facilities, or roadway mainte-
23 nance machinery; or

1 (F) is otherwise considered appropriate by
2 the Secretary of Transportation.

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