

110TH CONGRESS  
1ST SESSION

# H. R. 535

To provide for a rail worker emergency training program.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2007

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

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# 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 2007”.

**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.

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

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.

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 oneself.

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.

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

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

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