

110TH CONGRESS
2D SESSION

S. 3493

To require rail carriers to develop positive rail control system plans for improving railroad safety and to increase the civil penalties for railroad safety violations.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 2008

Mrs. FEINSTEIN (for herself and Mrs. BOXER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require rail carriers to develop positive rail control system plans for improving railroad safety and to increase the civil penalties for railroad safety violations.

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. POSITIVE TRAIN CONTROL SYSTEMS.**

4 (a) SUBMISSION OF PLAN.—

5 (1) IN GENERAL.—Not later than 12 months
6 after the date of the enactment of this Act, each rail
7 carrier that is a Class I railroad, a rail carrier that
8 has inadequate safety performance (as determined
9 by the Secretary), or a rail carrier that provides

1 intercity passenger or commuter rail passenger
 2 transportation shall develop and submit to the Sec-
 3 retary a plan for implementing a positive train con-
 4 trol system by December 31, 2014.

5 (2) TECHNICAL ASSISTANCE.—The Secretary
 6 may provide technical assistance and guidance to
 7 railroad carriers in developing the plans required
 8 under this subsection.

9 (b) DEFINITIONS.—In this section:

10 (1) POSITIVE TRAIN CONTROL SYSTEM.—The
 11 term “positive train control system” means a system
 12 designed to prevent train-to-train collisions, over-
 13 speed derailments, and incursions into roadway
 14 worker work limits.

15 (2) SECRETARY.—The term “Secretary” means
 16 the Secretary of Transportation.

17 (c) SAFETY REDUNDANCY.—The positive train con-
 18 trol system required under subsection (a) shall—

19 (1) minimize the risk of train collisions and
 20 over-speed derailments;

21 (2) provide protection to maintenance-of-way
 22 workers within established work zone limits;

23 (3) provide a safety redundancy to minimize the
 24 risk of accidents by overriding human performance

1 failures involving train movements on main line
2 tracks; and

3 (4) minimize the risk of the movement of a
4 train through a switch left in the wrong position.

5 (d) CONTENTS OF PLAN.—The plans submitted
6 under paragraph (1) shall include—

7 (1) measurable goals, including a strategy and
8 time line for implementation of such systems;

9 (2) a prioritization of how the systems will be
10 implemented, with particular emphasis on high-risk
11 corridors such as those that have significant move-
12 ments of hazardous materials or where commuter
13 and intercity passenger railroads operate;

14 (3) identification of detailed steps the carriers
15 will take to implement the systems; and

16 (4) any other element the Secretary considers
17 appropriate.

18 (e) REVIEW AND APPROVAL.—

19 (1) IN GENERAL.—Not later than 90 days after
20 the Secretary receives a plan from a rail carrier
21 under this section, the Secretary shall—

22 (A) review the plan;

23 (B) notify the rail carrier that the plan has
24 been approved; or

1 (C) notify the affected railroad carrier of
2 the specific points in which the proposed plan
3 is deficient.

4 (2) CORRECTION OF DEFICIENCIES.—A railroad
5 carrier shall correct all deficiencies of a plan sub-
6 mitted under this section not later than 30 days
7 after receiving written notice from the Secretary of
8 such deficiencies.

9 (3) COMPLIANCE WITH PLAN.—Upon receiving
10 notification from the Secretary that a plan sub-
11 mitted under this section has been approved, the rail
12 carrier that submitted such plan shall comply with
13 goals, strategy, and time line contained in such plan.

14 (4) ANNUAL REVIEW.—The Secretary shall con-
15 duct an annual review to ensure that each rail car-
16 rier is complying with the plan submitted by such
17 rail carrier under this section.

18 (f) REPORT.—Not later than December 31, 2011, the
19 Secretary shall submit a report that describes the progress
20 made by rail carriers in implementing positive train con-
21 trol systems to—

22 (1) the Committee on Commerce, Science, and
23 Transportation of the Senate; and

24 (2) the Committee on Transportation and In-
25 frastructure of the House of Representatives.

1 (g) Positive train control systems shall be imple-
2 mented no later than December 31, 2012, in those areas
3 determined by the Secretary of Transportation to have the
4 highest safety risk due to shared track between commuter
5 and freight rail.

6 (h) CERTIFICATION.—

7 (1) IN GENERAL.—The Secretary may not per-
8 mit the installation of any positive train control sys-
9 tem or component unless the Secretary has certified
10 that such system or component has not experienced
11 a safety-critical failure during prior testing and eval-
12 uation.

13 (2) REPAIR AND REEVALUATION.—If a failure
14 described in paragraph (1) occurs, the system or
15 component may be—

16 (A) repaired and evaluated in accordance
17 with part 236 of title 49, Code of Federal Reg-
18 ulations; and

19 (B) installed if the Secretary—

20 (i) certifies that the factors causing
21 the failure have been corrected; and

22 (ii) approves the system for installa-
23 tion in accordance with such part 236.

24 (i) ENFORCEMENT.—The Secretary is authorized to
25 assess civil penalties pursuant to chapter 213 of title 49,

1 United States Code, for a violation of this section, includ-
 2 ing the failure to submit, certify, or comply with a plan
 3 for implementing a positive train control system.

4 **SEC. 2. CIVIL PENALTY INCREASES.**

5 (a) GENERAL VIOLATIONS OF CHAPTER 201.—Sec-
 6 tion 21301(a)(2) of title 49, United States Code, is
 7 amended—

8 (1) by striking “\$10,000” and inserting
 9 “\$25,000”; and

10 (2) by striking “\$20,000” and inserting
 11 “\$100,000”.

12 (b) ACCIDENT AND INCIDENT VIOLATIONS OF CHAP-
 13 TER 201; VIOLATIONS OF CHAPTERS 203 THROUGH
 14 209.—Section 21302(a)(2) of such title is amended—

15 (1) by striking “\$10,000” and inserting
 16 “\$25,000”; and

17 (2) by striking “\$20,000” and inserting
 18 “\$100,000”.

19 (c) VIOLATIONS OF CHAPTER 211.—Section
 20 21303(a)(2) of such title is amended—

21 (1) by striking “\$10,000” and inserting
 22 “\$25,000”; and

23 (2) by striking “\$20,000” and inserting
 24 “\$100,000”.

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