

115TH CONGRESS
2D SESSION

H. R. 5691

To direct the Secretary of Transportation to establish a program to provide grants to carry out projects to reduce railway noise levels that adversely impact schools located in urbanized areas, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2018

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

A BILL

To direct the Secretary of Transportation to establish a program to provide grants to carry out projects to reduce railway noise levels that adversely impact schools located in urbanized areas, 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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Peaceful Learning Act
5 of 2018”.

1 **SEC. 2. DEFINITIONS.**

2 (a) IN GENERAL.—Except as otherwise specifically
3 provided, in this Act the definitions in section 5302 of title
4 49, United States Code, shall apply.

5 (b) ADDITIONAL DEFINITIONS.—In this Act, the fol-
6 lowing additional definitions apply:

7 (1) LOCAL EDUCATIONAL AGENCY.—The term
8 “local educational agency” has the meaning given
9 that term in section 9101 of the Elementary and
10 Secondary Education Act of 1965 (20 U.S.C. 7801).

11 (2) RAIL OPERATOR.—The term “rail operator”
12 means an owner or operator of a fixed rail public
13 transportation facility.

14 (3) RAILWAY NOISE.—The term “railway
15 noise” means noise caused by a fixed rail public
16 transportation facility.

17 (4) SCHOOL.—The term “school” means an ele-
18 mentary school or a secondary school (as those
19 terms are defined in section 9101 of the Elementary
20 and Secondary Education Act of 1965 (20 U.S.C.
21 7801)).

22 **SEC. 3. RAILWAY NOISE STUDY.**

23 (a) IN GENERAL.—The Secretary of Transportation
24 shall enter into an agreement with the National Academy
25 of Sciences to conduct a study on railway noise in the
26 United States.

1 (b) CONTENTS OF STUDY.—In conducting the study,
2 the National Academy of Sciences shall examine—

3 (1) the threshold of railway noise at which
4 health begins to be affected;

5 (2) the effectiveness of noise abatement pro-
6 grams for railway noise on the property of a school;

7 (3) the impacts of railway noise on schools; and

8 (4) the noise assessment practices of the De-
9 partment of Transportation and whether such prac-
10 tices fairly and accurately reflect the burden of noise
11 on communities.

12 (c) REPORT.—Not later than 12 months after the
13 date of the agreement entered into under subsection (a),
14 the National Academy of Sciences shall transmit to the
15 Secretary a report on the results of the study. Upon re-
16 ceipt of the report, the Secretary shall transmit a copy
17 of the report to the appropriate committees of Congress.

18 **SEC. 4. NOISE MEASUREMENT AND EXPOSURE SYSTEMS.**

19 Not later than 12 months after the date of submis-
20 sion of the report under section 3, in consultation with
21 the Administrator of the Environmental Protection Agen-
22 cy and Government, State, and interstate agencies that
23 the Secretary of Transportation considers appropriate, the
24 Secretary shall by regulation—

1 (1) establish a single system of measuring rail-
2 way noise that—

3 (A) has a highly reliable relationship be-
4 tween projected railway noise exposure and sur-
5 veyed reactions of individuals to noise; and

6 (B) is applied uniformly in measuring rail-
7 way noise near urbanized areas;

8 (2) establish a single system for determining
9 the exposure of individuals to railway noise in ur-
10 banized areas, including noise intensity, duration,
11 frequency, and time of occurrence; and

12 (3) based on the findings of the report required
13 under section 3, determine minimum standards for
14 railway noise levels on the property of a school lo-
15 cated in an urbanized area.

16 **SEC. 5. NOISE EXPOSURE MAPS.**

17 (a) SUBMISSION AND PREPARATION.—Not later than
18 12 months after the date of issuance of regulations under
19 section 4, each rail operator shall submit to the Secretary
20 of Transportation a noise exposure map showing any areas
21 of nonconforming railway noise levels (based on the stand-
22 ards developed under section 4) that—

23 (1) adversely impact a school located in an ur-
24 banized area; and

1 (2) are caused by operations of the rail oper-
2 ator.

3 (b) REVISED MAPS.—If a change in the rail oper-
4 ations of rail operator described in subsection (a) estab-
5 lishes a substantial new nonconforming noise level on the
6 property of a school located in an urbanized area, or sig-
7 nificantly reduces nonconforming noise levels on the prop-
8 erty of such a school, that is not reflected in the noise
9 exposure map, the rail operator shall submit a revised
10 noise exposure map to the Secretary showing the new non-
11 conforming noise levels or noise level reduction.

12 **SEC. 6. NOISE COMPATIBILITY PROGRAMS.**

13 (a) PROGRAM SUBMISSION.—A rail operator that
14 submitted a noise exposure map under section 5 may sub-
15 mit a noise compatibility program to the Secretary of
16 Transportation after—

17 (1) consulting with public agencies and plan-
18 ning authorities in the area covered by the map; and

19 (2) notice and an opportunity for a public hear-
20 ing.

21 (b) CONTENTS OF PROGRAM.—A program submitted
22 under subsection (a) shall state the measures the rail oper-
23 ator has taken or proposes to take to reduce existing non-
24 conforming noise levels on the property of a school and
25 prevent creating additional nonconforming noise levels in

1 the area covered by the map. The measures may include
2 constructing barriers or acoustical shielding and sound-
3 proofing of schools subject to a nonconforming noise level.

4 (c) APPROVALS.—The Secretary shall approve or dis-
5 approve a program submitted under subsection (a) of this
6 section not later than 180 days after receiving it. The Sec-
7 retary shall approve the program if the program—

8 (1) is reasonably consistent with achieving the
9 goal of reducing nonconforming noise levels on the
10 property of a school and preventing the introduction
11 of additional nonconforming noise levels on the prop-
12 erty of a school; and

13 (2) provides for necessary revisions because of
14 a revised map submitted under section 5.

15 (d) GRANTS.—The Secretary may incur obligations
16 to make grants from amounts available under section 8
17 to carry out a project under a part of a noise compatibility
18 program approved under subsection (c). A grant may be
19 made to a rail operator submitting the program to carry
20 out the program directly or in cooperation with—

21 (1) a local educational agency of a school that
22 is subject to nonconforming noise levels; or

23 (2) a unit of local government in the area sur-
24 rounding the school that has nonconforming noise
25 levels.

1 (e) FEDERAL SHARE.—The Federal share of a
2 project for which a grant is made under subsection (d)
3 is 80 percent of the cost of the project.

4 **SEC. 7. NONADMISSIBILITY OF NOISE EXPOSURE MAP AND**
5 **RELATED INFORMATION AS EVIDENCE.**

6 No part of a noise exposure map or related informa-
7 tion described in section 5 that is submitted to, or pre-
8 pared by, the Secretary of Transportation and no part of
9 a list of land uses the Secretary identifies as normally
10 compatible with various exposures of individuals to noise
11 may be admitted into evidence or used for any other pur-
12 pose in a civil action asking for relief for noise resulting
13 from the operation of a fixed rail public transportation fa-
14 cility.

15 **SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

16 There are authorized to be appropriated from the
17 Mass Transit Account of the Highway Trust Fund under
18 section 5338 of title 49, United States Code, such funds
19 as may be necessary to carry out this Act.

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