

116TH CONGRESS
2D SESSION

S. 4906

To establish a portal and database to receive and maintain information regarding blocked railroad-highway grade crossings and to require the Secretary of Transportation to evaluate the requirements of the railway-highway crossings program.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 18, 2020

Mrs. FISCHER (for herself, Mr. PETERS, Mr. MORAN, and Mr. TESTER) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To establish a portal and database to receive and maintain information regarding blocked railroad-highway grade crossings and to require the Secretary of Transportation to evaluate the requirements of the railway-highway crossings 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. BLOCKED RAILROAD-HIGHWAY GRADE CROSS-**
4 **INGS PORTAL.**

5 (a) IN GENERAL.—The Administrator of the Federal
6 Railroad Administration (referred to in this section as the
7 “FRA”) shall establish and maintain a portal and cor-

1 responding database through which the FRA shall receive
2 information on blocked railroad-highway grade crossings
3 as a 3-year pilot program.

4 (b) CONTENTS.—The portal established pursuant to
5 subsection (a) shall—

6 (1) provide examples to users regarding com-
7 mon causes of blocked crossings, such as—

8 (A) idling or moving trains; or

9 (B) instances when lights or gates are acti-
10 vated when no train is present;

11 (2) provide the complainant with the contact in-
12 formation for reporting a blocked crossing to the rel-
13 evant railroad; and

14 (3) encourage the complainant to report the
15 blocked crossing to the relevant railroad.

16 (c) COMPLAINTS.—The portal established pursuant
17 to subsection (a) shall be programmed to receive com-
18 plaints from the general public about blocked railroad-
19 highway grade crossings. Any complaint reported through
20 the portal shall indicate whether the complainant also re-
21 ported the blocked crossing to the relevant railroad.

22 (d) INFORMATION RECEIVED.—In reviewing com-
23 plaints received pursuant to subsection (c), the FRA, to
24 the extent practicable, shall review the information re-

1 ceived from the complainant to account for duplicative or
2 erroneous reporting.

3 (e) USE OF INFORMATION.—The information re-
4 ceived and maintained in the database established pursu-
5 ant to subsection (a) shall be used by FRA—

6 (1) to assist the FRA in identifying the loca-
7 tions and potential impacts of frequent and long-du-
8 ration blocked railroad-highway grade crossings;

9 (2) as a basis for outreach to communities,
10 emergency responders, and railroads; and

11 (3) to support collaboration in the prevention of
12 incidents at railroad-highway grade crossings.

13 (f) SHARING INFORMATION RECEIVED.—

14 (1) IN GENERAL.—The FRA shall implement
15 and make publicly available procedures for sharing
16 any nonaggregated information received through the
17 portal established pursuant to subsection (a) with
18 the public.

19 (2) RULE OF CONSTRUCTION.—Nothing in this
20 section may be construed to authorize the FRA to
21 make publically available sensitive security informa-
22 tion.

23 (g) ADDITIONAL INFORMATION.—If the information
24 submitted to the portal established pursuant to subsection
25 (a) is insufficient to determine the locations and potential

1 impacts of frequent and long-duration blocked railroad-
 2 highway grade crossings, the FRA may collect, from the
 3 general public and from State and local law enforcement
 4 personnel, such additional information as may be nec-
 5 essary to make such determinations.

6 (h) LIMITATIONS.—Complaints, data, and other in-
 7 formation received through the portal established pursu-
 8 ant to subsection (a) may not be used—

9 (1) to infer or extrapolate the rate or instances
 10 of crossings beyond the data received through the
 11 portal; or

12 (2) for any regulatory or enforcement purposes
 13 except those specifically described in this section.

14 (i) REPORT.—Not later than 3 years after the estab-
 15 lishment of the pilot program under subsection (a), the
 16 Administrator of the FRA shall submit a report to the
 17 Committee on Commerce, Science, and Transportation of
 18 the Senate and the Committee on Transportation and In-
 19 frastructure of the House of Representatives that de-
 20 scribes—

21 (1) where, when, for how long, and what im-
 22 pacts have resulted from frequent and long-duration
 23 blocked highway-rail grade crossings based on the
 24 information received through the portal established
 25 pursuant to subsection (a);

1 (2)(A) whether and how the FRA verified the
 2 accuracy of the complaints submitted to such portal;
 3 and

4 (B)(i) if the portal continues to be the most ef-
 5 fective manner through which to collect such infor-
 6 mation; or

7 (ii) if changes to the portal could improve its ef-
 8 fectiveness;

9 (3) how the FRA used the data compiled by
 10 such portal to assess the underlying cause and over-
 11 all impacts of blocked crossings; and

12 (4) the engagement of the FRA with affected
 13 parties in order to identify and facilitate solutions to
 14 any trends or problems identified by data received
 15 and maintained through the portal and cor-
 16 responding database.

17 (j) SUNSET.—The section shall have no force or ef-
 18 fect beginning on the date that is 3 years after the date
 19 of the enactment of this Act.

20 **SEC. 2. RAILWAY HIGHWAY CROSSING PROGRAM STUDY.**

21 (a) IN GENERAL.—The Secretary of Transportation
 22 shall evaluate the requirements of the railway-highway
 23 crossings program authorized under section 130 of title
 24 23, United States Code, to determine whether—

1 (1) the requirements of the program provide
2 States sufficient flexibility to adequately address
3 current and emerging grade-crossing safety issues;

4 (2) the structure of the program provides suffi-
5 cient incentive and resources to States and local
6 agencies to make changes at grade crossing that are
7 most effective at reducing deaths and injuries;

8 (3) there are appropriate tools and resources to
9 support States in using data-driven programs to de-
10 termine the most cost-effective use of program
11 funds; and

12 (4) any statutory changes are necessary to im-
13 prove the effectiveness of the program.

14 (b) REPORT.—Not later than December 19, 2020,
15 the Secretary of Transportation shall submit a report to
16 the Committee on Commerce, Science, and Transportation
17 of the Senate, the Committee on Environment and Public
18 Works of the Senate, and the Committee on Transpor-
19 tation and Infrastructure of the House of Representatives
20 that describes the results of the evaluation under sub-
21 section (a), including any recommended statutory changes
22 referred to in subsection (a)(4).

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