Human Health on reaching its tenth anniversary. TIEHH was established in 1997 with a mission to stimulate and develop environmental and health sciences research and education at Texas Tech University and the Texas Tech Health Sciences Center. TIEHH focuses on the integration of environmental impact assessment of toxic chemicals with human health consequences, framed in the context of science-based risk assessment to support sound environmental policy and law. Work at TIEHH has resulted in applications for homeland security and defense, including a new fabric that can protect our military and civilians from effects of chemical and biological weapons.

TIEHH first opened as the ''anchor tenant'' at the then-closing Reese Air Force Base, now known as Reese Technology Center, and helped make the redevelopment of Reese the most successful BRAC closure of any military base in the United States. TIEHH started with a staff of 45, comprised of faculty, staff and graduate students. TIEHH now has 200 on its daily payroll and has generated close to $50 million in revenue, while the Institute's ripple effect on the local economy is nearly $200 million.

Through the past 10 years, TIEHH has developed a program of national and international stature for Texas Tech and Lubbock, being described by external peer-reviews as 'world-class' and with its academic program being called ''the best in the country.'' TIEHH draws not only students from Texas but also undergraduate and graduate students from all over the United States and many foreign countries to Texas Tech. In its 10 short years, TIEHH has become one of the top doctoral producing programs at Tech.

I have worked hand-in-hand with TIEHH to secure federal funding that supports research to improve the resources available to protect our troops abroad and citizens at home from chemical and biological threats. When it comes to federally funded research, results matter, and TIEHH is quickly establishing a track record of proven results that strengthen our national security. In the next 10 years and beyond, TIEHH will continue to be a research leader in the environmental and human health field. I am proud to join the citizens of Lubbock in extending my appreciation for all the hard work and accomplishments of those at The Institute of Environmental and Human Health.

HONORING PRIVATE DAVID NEIL SIMMONS OF KOKOMO, INDIANA

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. DONNELLY. Madam Speaker, I rise today to honor the sacrifice of Private David Neil Simmons of Kokomo, Indiana, who was killed in an ambush on April 8, 2007, while serving his Nation in Baghdad, Iraq. Neil risked everything in service to America, and for that we are eternally grateful. –

Neil was the kind of kid whom everyone loved. With his big smile and enthusiasm, he made life more enjoyable for everyone around him. As someone who deeply loved his family and knew what it meant to be a great friend, he also made life better for those around him.

Neil was also a grateful person, returning to his high school to visit friends and thank teachers and mentors for their impact on his life. During one of these visits, just a couple weeks before he was set to deploy to Iraq, he ran into Janet Lovelace, a secretary at Northwestern High School. When Janet gave Neil a hug and thanked him for his service, he became teary-eyed. Today, on behalf of this entire nation, I would also like us to stop and give thanks to Neil for his service.

Upon hearing about his son's death, David Simmons said, ''Freedom is very expensive. You don't know how much until something like this happens. My heart goes out to all the families that have to go through this.'' In the midst of so much sorrow, to remember other families is truly remarkable.

I have been privileged to speak several times with Neil's mother, Teri Tenbrook, over the past few weeks. Her courage and resolve in so tragic a time are impressive. The simple truth is that the true price of war is paid by soldiers and their families. Today I honor Neil Simmons, and I honor his family.

Neil's ultimate sacrifice puts him in the solemn and revered company of patriots who have given their lives in service to their country. My humble thanks to Neil and to his family. His name will live as long as this Nation lives.

May God grant peace to those who mourn and strength to those who continue to fight. And may God be with all of us, as I know he is with Neil.

THE FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. OBERSTAR. Madam Speaker, today I have introduced a bill to reauthorize the Federal Railroad Administration, FRA, and improve the safety of our Nation's railroads.

Congress last reauthorized the FRA in 1994; that authorization expired in 1998. Since that time, the Committee on Transportation and Infrastructure has held 13 hearings on rail safety. In the first four months of the 110th Congress alone, we have held 4 hearings on rail safety, including 1 field hearing in San Antonio, Texas. At these hearings, we received testimony from the Federal Administration, FRA, the National Transportation Safety Board, NTSB, the Department of Transportation's Inspector General, the Government Accountability Office, GAO, Members of Congress and other elected officials, the railroads, rail labor, and numerous safety organizations and experts. This bill is the product of what we have learned through these hearings.

According to the FRA, the total number of train accidents, including collisions and derailments, increased from 2,504 in 1994 to 3,325 in 2005. In 2006, the number of train accidents decreased to 2,835.

Although I am encouraged by improvements in the 2006 rail safety statistics, I believe we still have a long way to go. Serious accidents resulting in fatalities, injuries, and environmental damages continue to occur. The Department of Transportation predicts that rail traffic will more than double over the next 20 years. That increase, coupled with the fact that there are far fewer workers having to meet more demands on the railways than ever before, will only exacerbate the situation.

In 1980, 459,000 rail workers were responsible for moving 919 billion railroad ton-miles of freight, or 2,002,787 ton-miles per employee. By 2005, 182,000 workers moved 1,760 billion ton-miles of freight, or 9,670,329 ton-miles per employee. Over the last 25 years, overall rail productivity has risen 168 percent while the workforce has decreased by 40 percent. That has a significant impact on safety, in particular worker fatigue.

According to the FRA, about 40 percent of all train accidents are the result of human factors; 1 in 4 of those accidents result from fatigue. The FRA has launched a number of initiatives focused on reducing accidents caused by fatigue and other human factors. I appreciate the FRA's hard work in this area, but the FRA can only do so much when it comes to fatigue. The FRA is the only agency within the Department of Transportation, DOT, that does not have the regulatory authority to address hours-of-service. Hours-of-service for railroad employees is set forth in statute.

According to the National Transportation Safety Board, ''the current railroad hours-of-service laws permit, and many railroad carriers require, the most burdensome fatigue-inducing work schedule of any Federally-regulated transportation mode in this country.'' A comparison of the modes is revealing. A commercial airline pilot can work up to 100 hours per month; shipboard personnel, at sea, can work up to 240 hours per month; a truck driver can be on duty up to 260 hours per month; and train crews can operate a train up to 432 hours per month. That equates to more than 14 hours a day for each of those 30 days.

Despite widespread agreement that the hours-of-service law is antiquated and in need of updating, it has been almost 40 years since substantial changes to the law have been made. In previous Congresses, I introduced legislation to strengthen hours-of-service. The railroads fought against it, stating that hours of service should be dealt with at the collective bargaining table because I believe that the safety of railroad workers and the safety of the general public, which all too often are the victims in these train accidents, should not be relegated to a negotiation between management and labor. I am again introducing legislation that strengthens hours-of-service and reduces rail worker fatigue.

My bill will: provide all train crews and signal personnel with a minimum of 10 hours of rest a day and at least 24 consecutive hours off duty in a seven consecutive day work period; prevent the railroads from disturbing their workers during rest time, keeping them from obtaining their full 10 hours of rest; limit the number of days signal personnel can exceed their hours-of-service during emergencies, consistent with dispatcher limits of not more than three days in a seven consecutive day work period; ensure that signal personnel cannot be forced to exceed their hours-of-service to conduct routine inspections, repairs, and maintenance of signal systems; eliminate so called ''limbo time.'' Limbo time is a term used to describe the period of time when a train operating crew's hours-of-service have expired, but the crew is awaiting transportation back to their point of final release; meaning, the off

duty location or terminal point where they can go home or obtain food and lodging at an away from home terminal. During limbo time, crewmembers are required to stay awake, alert, and able to respond to any situation. Limbo time can and has kept railroad operating crews effectively on-duty for well over 12 hours, and in the case of the Union Pacific engineer involved in the 2004 Macdona, Texas accident, 22 hours (12 hours on-duty and 10 hours in limbo); require railroads to submit fatigue management plans to the Secretary for review and approval, and; provide the Secretary with the regulatory authority to reduce the maximum number of hours an employee can remain or go on duty and increase the minimum number of hours of rest.

This Act also addresses a number of longstanding open NTSB recommendations that will help prevent accidents caused by human factors, such as fatigue. Specifically, the Act requires all Class I railroads to develop and submit to the Secretary for review and approval a plan for implementing a positive train control system by December 31, 2014. Implementation of positive train control has been on the NTSB's list of most wanted safety improvements since its inception in 1990. Since that time, the Board has issued numerous recommendations to the FRA to implement positive train control after several high-profile accidents, including a 2004 accident in Macdona, Texas, and a 2005 accident in Graniteville, South Carolina accident; yet the FRA has thus far failed to do so.

The Act also requires railroads to install automatically activated devices, independent of the switch banner, along main lines in nonsignaled territory to enable train crews to determine the position of a switch far enough in advance to stop a train if they discover that it is in the wrong position. In the absence of such switch position indicators, the Act requires railroads to operate trains in nonsignaled territory at speeds that will allow them to be safely stopped in advance of misaligned switches. According to the FRA, misaligned switches are the number one cause of human factors accidents.

In 2006, track-related accidents surpassed human factors-related accidents as the leading category of rail accidents. Recent accidents in Oneida, New York, Pico Rivera, California, Home Valley, Washington, Minot, North Dakota, and Nodaway, Iowa, raise serious concerns about the condition and safety of track on our Nation's railways. On April 18, as a result of the accident in Oneida, the FRA conducted an audit of CSX tracks in upstate New York and found 78 track defects and 1 serious violation. To help address these concerns and additional concerns raised by the NTSB, this Act provides funding for the Secretary to purchase 6 Gage Restraint Measurement System vehicles and 5 track geometry vehicles. This will enable to the Secretary to deploy one Gage Restraint Measurement System vehicle and 1 track geometry vehicle to each of the 8 FRA regions. The Act also directs the Secretary to issue regulations within 1 year after enactment that requires railroads to manage their tracks to minimize accidents due to internal rail flaws. At a minimum, the regulations must require the railroads to conduct ultrasonic or other appropriate inspections to ensure that rail used to replace defective segments of existing rail is free from internal defects, as recommended by the NTSB; require railroads to perform integrity inspections to manage a service failure rate of less than 0.1 per track mile; and encourage railroad use of advanced rail defect inspection equipment and similar technologies as part of a comprehensive rail inspection program. New safety regulations are also required for all classes of track for concrete ties, as recommended by the NTSB.

In addition, the Act strengthens safety on our Nation's grade crossings by requiring railroads to establish, maintain, and post a toll-free number at all grade crossings to receive calls reporting malfunctions of signals, crossing gates, and other devices, or disabled vehicles blocking such crossings, and to clear vegetation that may obstruct the ability of pedestrians or motor vehicle operators to see oncoming trains at grade crossings. The Act also requires regular reporting of current information on grade crossings to the FRA to enable States to determine where to best dedicate their resources for grade crossing improvements.

The Act also addresses some concerns highlighted in a recent audit of the Department of Transportation's Inspector General, which I requested after a series of New York Times articles alleged problems with railroad accident reporting and investigations at grade crossings. The Inspector General found that railroads failed to report 21 percent of reportable crossing collisions to the National Response Center, NRC. Railroads are required to report crossing collisions involving fatalities and/or multiple injuries to passengers or train crewmembers, and fatalities to motorists or pedestrian involved in grade crossing collisions to the NRC within 2 hours of the accident, according to FRA and NTSB regulations. Immediate reporting allows the Federal Government to decide whether or not to conduct an investigation shortly after a crossing collision has occurred. The DOT Inspector General's analysis showed that 115, or 21 percent, of 543 reportable grade crossing collisions that occurred between May 1, 2003 and December 31, 2004 were not reported to the NRC. Although the 115 unreported crossing collisions, which resulted in 116 fatalities, were reported to the FRA within 30 to 60 days after the collision, as required, that was too late to allow Federal authorities to promptly decide whether or not to conduct an investigation. This Act requires the FRA to conduct an audit of all Class I railroads at least once every 2 years and all non-Class I railroads at least once every 5 years to ensure that all grade crossing accidents and incidents are reported to the national accident database.

The Inspector General's audit also found that the Federal Government investigates only a small number of grade crossing collisions. From 2000 through 2004, FRA investigated 47 of 376, or 13 percent, of the most serious crossing collisions that occurred—those resulting in 3 or more fatalities and/or severe injuries. No Federal investigations were conducted for the remaining 329 crossing collisions. The GAO seems to agree with the Inspector General's findings. According to the GAO, the FRA is able to inspect only 2/10 of 1 percent of all railroad operations each year. Compare this to the Federal Aviation Administration (FAA): In 2004, the FAA conducted onsite investigations of 1,392, or 93 percent, of the 1,484 general aviation accidents that the FAA had responsibility for investigating in 2004. Unlike the FRA, however, the FAA has an Office of Accident Investigations staffed with 8 full-time investigators whose mission is to detect unsafe conditions and trends and to coordinate the process for corrective actions. In addition, the FAA uses personnel from other disciplines to conduct investigations, including 2,989 inspectors from its Office of Aviation Safety.

Currently, the FRA relies on just 421 Federal safety inspectors and 160 State safety inspectors to monitor the railroad's compliance with federally mandated safety standards. This Act will increase the number of Federal safety inspectors to at least 800 by fiscal year 2011. The Act makes additional improvements to the FRA, modeled after similar legislation passed by the Committee on Transportation and Infrastructure and subsequently enacted into law that created the Federal Motor Carrier Safety Administration and the Pipeline and Hazardous Materials Safety Administration.

Specifically, the Act: reorganizes the FRA as the Federal Railroad Safety Administration; requires it to consider the assignment and maintenance of safety as the highest priority; creates a new position (or a Chief Safety Officer; requires the Secretary to develop a long-term strategy for improving railroad safety, which must include annual plans and schedules for reducing the number and rates of accidents, injuries, and fatalities involving railroads; improving the consistency and effectiveness of enforcement and compliance programs; identifying and targeting enforcement at, and safety improvements to, high-risk grade crossings; and improving research efforts to enhance and promote railroad safety and performance; requires regular reporting of statutory mandates that have not been implemented and open safety recommendations made by the NTSB or the Inspector General regarding railroad safety; and strengthens transparency in the FRA's enforcement process.

I invite my colleagues to join me and Congresswoman BROWN, Chair of the Subcommittee on Railroads, Pipelines, and Hazardous Materials, in our efforts to improve rail safety by cosponsor this important legislation and working together to ensure its swift passage.

LEGISLATION ON THE DISPOSITION OF THE OAK HILL JUVENILE DETENTION CENTER

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 1, 2007

Mr. SARBANES. Madam Speaker, I rise today to introduce legislation addressing the disposition of the Oak Hill Juvenile Detention Center in Anne Arundel County, Maryland. Senators CARDIN and MIKULSKI have introduced identical legislation in the Senate.

There is consensus that the current Oak Hill facilities must be shut down. They are aging and dilapidated and not properly configured to provide rehabilitative services to the youth residing there. The legislation I introduce today would ensure that this facility is closed and a new, more modem facility is built in the District of Columbia so that residents can be loser to their families.