

Subsec. (a)(1)(B). Pub. L. 114-73, §1302(b)(1)(E), substituted “defined in sections” for “defined in parts”.

Subsec. (a)(2), (3). Pub. L. 114-73, §1302(b)(2), added pars. (2) and (3) and struck out former par. (2). Prior to amendment, text of par. (2) read as follows: “The plan shall describe how it will provide for interoperability of the system with movements of trains of other railroad carriers over its lines and shall, to the extent practical, implement the system in a manner that addresses areas of greater risk before areas of lesser risk. The railroad carrier shall implement a positive train control system in accordance with the plan.”

Subsecs. (c) to (e). Pub. L. 114-73, §1302(b)(3), added subsecs. (c) to (e) and struck out former subsecs. (c) to (e) which related, respectively, to review and approval of plans, progress report on implementation of positive train control systems, and enforcement of section.

Subsec. (g). Pub. L. 114-73, §1302(c), designated existing provisions as par. (1), inserted heading, and added pars. (2) and (3).

Subsec. (g)(3). Pub. L. 114-94, §11315(d)(2), substituted “to conform with this section” for “by paragraph (2) and subsection (k)”.

Subsec. (g)(4). Pub. L. 114-94, §11315(d)(1), added par. (4).

Subsec. (h). Pub. L. 114-73, §1302(b)(4), designated existing provisions as par. (1), inserted heading, and added par. (2).

Subsec. (i). Pub. L. 114-73, §1302(b)(5), added pars. (1) and (2) and redesignated former pars. (1) to (3) as (3) to (5), respectively.

Subsecs. (j) to (l). Pub. L. 114-73, §1302(b)(6), added subsecs. (j) to (l).

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

#### § 20158. Railroad safety technology grants

(a) GRANT PROGRAM.—The Secretary of Transportation shall establish a grant program for the deployment of train control technologies, train control component technologies, processor-based technologies, electronically controlled pneumatic brakes, rail integrity inspection systems, rail integrity warning systems, switch position indicators and monitors, remote control power switch technologies, track integrity circuit technologies, and other new or novel railroad safety technology.

(b) GRANT CRITERIA.—

(1) ELIGIBILITY.—Grants shall be made under this section to eligible passenger and freight railroad carriers, railroad suppliers, and State and local governments for projects described in subsection (a) that have a public benefit of improved safety and network efficiency.

(2) CONSIDERATIONS.—Priority shall be given to projects that—

(A) focus on making technologies interoperable between railroad systems, such as train control technologies;

(B) accelerate train control technology deployment on high-risk corridors, such as those that have high volumes of hazardous materials shipments or over which commuter or passenger trains operate; or

(C) benefit both passenger and freight safety and efficiency.

(3) IMPLEMENTATION PLANS.—Grants may not be awarded under this section to entities that

fail to develop and submit to the Secretary the plans required by sections 20156(e)(2) and 20157.

(4) MATCHING REQUIREMENTS.—Federal funds for any eligible project under this section shall not exceed 80 percent of the total cost of such project.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation \$50,000,000 for each of fiscal years 2009 through 2013 to carry out this section. Amounts appropriated pursuant to this section shall remain available until expended.

(Added Pub. L. 110-432, div. A, title I, §105(a), Oct. 16, 2008, 122 Stat. 4858.)

#### § 20159. Roadway user sight distance at highway-rail grade crossings

Not later than 18 months after the date of enactment of the Rail Safety Improvement Act of 2008, the Secretary of Transportation, after consultation with the Federal Railroad Administration, the Federal Highway Administration, and States, shall develop and make available to States model legislation providing for improving safety by addressing sight obstructions, including vegetation growth, topographic features, structures, and standing railroad equipment, at highway-rail grade crossings that are equipped solely with passive warnings, as recommended by the Inspector General of the Department of Transportation in Report No. MH-2007-044.

(Added Pub. L. 110-432, div. A, title II, §203(a), Oct. 16, 2008, 122 Stat. 4869; amended Pub. L. 114-94, div. A, title XI, §11316(f), Dec. 4, 2015, 129 Stat. 1676.)

#### Editorial Notes

##### REFERENCES IN TEXT

The date of enactment of the Rail Safety Improvement Act of 2008, referred to in text, is the date of enactment of div. A of Pub. L. 110-432, which was approved Oct. 16, 2008.

##### AMENDMENTS

2015—Pub. L. 114-94 substituted “the Secretary of Transportation” for “the Secretary”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

#### § 20160. National crossing inventory

(a) INITIAL REPORTING OF INFORMATION ABOUT PREVIOUSLY UNREPORTED CROSSINGS.—Not later than 1 year after the date of enactment of the Rail Safety Improvement Act of 2008 or 6 months after a new crossing becomes operational, whichever occurs later, each railroad carrier shall—

(1) report to the Secretary of Transportation current information, including information about warning devices and signage, as specified by the Secretary, concerning each pre-

viously unreported crossing through which it operates with respect to the trackage over which it operates; or

(2) ensure that the information has been reported to the Secretary by another railroad carrier that operates through the crossing.

(b) **UPDATING OF CROSSING INFORMATION.**—

(1) On a periodic basis beginning not later than 2 years after the date of enactment of the Rail Safety Improvement Act of 2008 and on or before September 30 of every year thereafter, or as otherwise specified by the Secretary, each railroad carrier shall—

(A) report to the Secretary current information, including information about warning devices and signage, as specified by the Secretary, concerning each crossing through which it operates with respect to the trackage over which it operates; or

(B) ensure that the information has been reported to the Secretary by another railroad carrier that operates through the crossing.

(2) A railroad carrier that sells a crossing or any part of a crossing on or after the date of enactment of the Rail Safety Improvement Act of 2008 shall, not later than the date that is 18 months after the date of enactment of that Act or 3 months after the sale, whichever occurs later, or as otherwise specified by the Secretary, report to the Secretary current information, as specified by the Secretary, concerning the change in ownership of the crossing or part of the crossing.

(c) **RULEMAKING AUTHORITY.**—The Secretary shall prescribe the regulations necessary to implement this section. The Secretary may enforce each provision of the Department of Transportation’s statement of the national highway-rail crossing inventory policy, procedures, and instruction for States and railroads that is in effect on the date of enactment of the Rail Safety Improvement Act of 2008, until such provision is superseded by a regulation issued under this section.

(d) **DEFINITIONS.**—In this section:

(1) **CROSSING.**—The term “crossing” means a location within a State, other than a location where one or more railroad tracks cross one or more railroad tracks either at grade or grade-separated, where—

(A) a public highway, road, or street, or a private roadway, including associated sidewalks and pathways, crosses one or more railroad tracks either at grade or grade-separated; or

(B) a pathway explicitly authorized by a public authority or a railroad carrier that is dedicated for the use of nonvehicular traffic, including pedestrians, bicyclists, and others, that is not associated with a public highway, road, or street, or a private roadway, crosses one or more railroad tracks either at grade or grade-separated.

(2) **STATE.**—The term “State” means a State of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(Added Pub. L. 110-432, div. A, title II, §204(a), Oct. 16, 2008, 122 Stat. 4869; amended Pub. L.

114-94, div. A, title XI, §11316(g), Dec. 4, 2015, 129 Stat. 1676.)

### Editorial Notes

#### REFERENCES IN TEXT

The date of enactment of the Rail Safety Improvement Act of 2008, referred to in subssecs. (a) to (c), is the date of enactment of div. A of Pub. L. 110-432, which was approved Oct. 16, 2008.

#### AMENDMENTS

2015—Subsec. (a)(1). Pub. L. 114-94, §11316(g)(1), substituted “concerning each previously unreported crossing through which it operates with respect to the trackage over which it operates” for “concerning each previously unreported crossing through which it operates or with respect to the trackage over which it operates”.

Subsec. (b)(1)(A). Pub. L. 114-94, §11316(g)(2), substituted “concerning each crossing through which it operates with respect to the trackage over which it operates” for “concerning each crossing through which it operates or with respect to the trackage over which it operates”.

### Statutory Notes and Related Subsidiaries

#### EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

### § 20161. Fostering introduction of new technology to improve safety at highway-rail grade crossings

(a) **FINDINGS.**—

(1) Collisions between highway users and trains at highway-rail grade crossings continue to cause an unacceptable loss of life, serious personal injury, and property damage.

(2) While elimination of at-grade crossings through consolidation of crossings and grade separations offers the greatest long-term promise for optimizing the safety and efficiency of the two modes of transportation, over 140,000 public grade crossings remain on the general rail system—approximately one for each route mile on the general rail system.

(3) Conventional highway traffic control devices such as flashing lights and gates are often effective in warning motorists of a train’s approach to an equipped crossing.

(4) Since enactment of the Highway Safety Act of 1973, over \$4,200,000,000 of Federal funding has been invested in safety improvements at highway-rail grade crossings, yet a majority of public highway-rail grade crossings are not yet equipped with active warning systems.

(5) The emergence of new technologies presents opportunities for more effective and affordable warnings and safer passage of highway users and trains at remaining highway-rail grade crossings.

(6) Implementation of new crossing safety technology will require extensive cooperation between highway authorities and railroad carriers.

(7) Federal Railroad Administration regulations establishing performance standards for processor-based signal and train control systems provide a suitable framework for quali-