

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 4545

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IN THE SENATE OF THE UNITED STATES

AUGUST 9 (legislative day, AUGUST 8), 1994

Received; read twice and referred to the Committee on Commerce, Science,  
and Transportation

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## AN ACT

To amend the rail safety provisions of title 49, United States  
Code, 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 “Federal Railroad Safe-  
5       ty Authorization Act of 1994”.

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 20117(a)(1) of title 49, United States Code,  
3 is amended by adding after subparagraph (B) the follow-  
4 ing new subparagraphs:

5 “(C) \$68,289,000 for fiscal year 1995.

6 “(D) \$75,112,000 for fiscal year 1996.

7 “(E) \$82,563,000 for fiscal year 1997.

8 “(F) \$90,739,000 for fiscal year 1998.”.

9 **SEC. 3. HOURS OF SERVICE PILOT PROJECTS.**

10 (a) AMENDMENT.—Chapter 211 of title 49, United  
11 States Code, is amended by adding at the end the follow-  
12 ing new section:

13 **“SEC. 21108. PILOT PROJECTS.**

14 “(a) WAIVER.—A railroad or railroads and all labor  
15 organizations representing any class or craft of directly  
16 affected covered service employees of the railroad or rail-  
17 roads, may jointly petition the Secretary of Transpor-  
18 tation for approval of a waiver, in whole or in part, of  
19 compliance with this chapter, to enable the establishment  
20 of one or more pilot projects to demonstrate the possible  
21 benefits of implementing alternatives to the strict applica-  
22 tion of the requirements of this chapter to such class or  
23 craft of employees, including requirements concerning  
24 maximum on-duty and minimum off-duty periods. Based  
25 on such a joint petition, the Secretary may, after notice  
26 and opportunity for comment, waive in whole or in part

1 compliance with this chapter for a period of no more than  
2 two years, if the Secretary determines that such waiver  
3 of compliance is in the public interest and is consistent  
4 with railroad safety. Any such waiver may, based on a new  
5 petition, be extended for additional periods of up to two  
6 years, after notice and opportunity for comment. An expla-  
7 nation of any waiver granted under this section shall be  
8 published in the Federal Register.

9 “(b) REPORT.—The Secretary of Transportation  
10 shall submit to Congress, no later than January 1, 1997,  
11 a report that—

12 “(1) explains and analyzes the effectiveness of  
13 all pilot projects established pursuant to a waiver  
14 granted under subsection (a);

15 “(2) describes the status of all other waivers  
16 granted under subsection (a) and their related pilot  
17 projects, if any; and

18 “(3) recommends appropriate legislative  
19 changes to this chapter.

20 “(c) DEFINITION.—For purposes of this section, the  
21 term ‘directly affected covered service employees’ means  
22 covered service employees to whose hours of service the  
23 terms of the waiver petitioned for specifically apply.”.

1 (b) TABLE OF SECTIONS AMENDMENT.—The table of  
2 sections for chapter 211 of title 49, United States Code,  
3 is amended by adding at the end the following new item:

“21108. Pilot projects.”.

4 **SEC. 4. CONFORMING AMENDMENT REGARDING HOURS OF**  
5 **SERVICE VIOLATIONS.**

6 Section 21303(a)(1) of title 49, United States Code,  
7 is amended by inserting “or violating any provision of a  
8 waiver applicable to that person that has been granted  
9 under section 21108 of this title,” after “chapter 211 of  
10 this title”.

11 **SEC. 5. TECHNICAL AMENDMENT REGARDING FEDERAL**  
12 **RAILROAD SAFETY.**

13 Section 20111(c) of title 49, United States Code, is  
14 amended by inserting “this chapter or any of the laws  
15 transferred to the jurisdiction of the Secretary of Trans-  
16 portation by subsection (e) (1), (2), and (6)(A) of section  
17 6 of the Department of Transportation Act, as in effect  
18 on June 1, 1994, or” after “individual’s violation of”.

19 **SEC. 6. BIENNIAL FEDERAL RAILROAD SAFETY REPORT-**  
20 **ING.**

21 (a) Section 20116 of title 49, United States Code,  
22 is amended—

23 (1) by striking in its heading “**Annual**” and  
24 inserting in lieu thereof “**Biennial**”;

1           (2) by striking “not later than July 1 of each  
2           year a report on carrying out this chapter for the  
3           prior calendar year. The report shall include the fol-  
4           lowing information about the prior year” and insert-  
5           ing in lieu thereof “every two years, on or before  
6           July 1 of the year due, a comprehensive report on  
7           the administration of this chapter for the preceding  
8           two calendar years. The report shall include the fol-  
9           lowing information about such calendar years”; and  
10          (3) in paragraph (1), by inserting “, by cal-  
11          endar year” after “casualties by cause”.

12          (b) The item relating to section 20116 in the table  
13 of sections for chapter 201 of title 49, United States Code,  
14 is amended to read as follows:

“20116. Biennial report.”.

15 **SEC. 7. REPORT ON BRIDGE DISPLACEMENT DETECTION**  
16 **SYSTEMS.**

17          Not later than 18 months after the date of enactment  
18 of this Act, the Secretary shall transmit to the Committee  
19 on Commerce, Science, and Transportation of the Senate  
20 and the Committee on Energy and Commerce of the  
21 House of Representatives a report concerning any action  
22 that has been taken by the Secretary on railroad bridge  
23 displacement detection systems.

1 **SEC. 8. TRACK SAFETY.**

2 Section 20142 of title 49, United States Code, is  
3 amended—

4 (1) in subsection (b), by striking “September 3,  
5 1994” and inserting in lieu thereof “September 1,  
6 1995”;

7 (2) in subsection (a)(1), by inserting “, includ-  
8 ing cold weather installation procedures” after “at-  
9 tendant structure”; and

10 (3) by adding at the end the following new sub-  
11 section:

12 “(d) IDENTIFICATION OF INTERNAL RAIL DE-  
13 FECTS.—In carrying out subsections (a) and (b), the Sec-  
14 retary shall consider whether or not to prescribe regula-  
15 tions and issue orders concerning—

16 “(1) inspection procedures to identify internal  
17 rail defects, before they reach imminent failure size,  
18 in rail that has significant shelling; and

19 “(2) any specific actions that should be taken  
20 when a rail surface condition, such as shelling, pre-  
21 vents the identification of internal defects.”.

1 **SEC. 9. RESIDENCE OF EMPLOYEES.**

2       The amendments made by section 7 of the Amtrak  
3 Reauthorization and Improvement Act of 1990 shall apply  
4 to all periods before and after the date of their enactment.

      Passed the House of Representatives August 8,  
1994.

Attest:               DONNALD K. ANDERSON,  
*Clerk.*