Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Richardson
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—10

Carson
Jindal
Johnson (GA)
Johnson, E. B.
Lewis (GA)
Markey
Peterson (PA)
Tancredo
Wilson (OH)
Young (AK)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining on this vote.

□ 1548

Mr. SHAYS, Mr. HELLER of Nevada, Mr. SULLIVAN, Mrs. SCHMIDT, Mrs. CUBIN, and Mr. TERRY changed their vote from ''nay'' to ''yea.''

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2095, and to include extraneous material in the RECORD pertinent thereto.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 724 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2095.

□ 1550

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2095) to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes, with Mr. POMEROY in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

The gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. SHUSTER) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman and colleagues, we gather here for an historic moment in the history of transportation, particularly the history of rail transportation. And I'm glad there are so many Members still gathered on the floor to listen to an erudite conversation that we are going to have on both sides of the aisle about the history of rail safety.

Although our committee has had jurisdiction over the rail sector for the past dozen years, this is the first time the committee has brought a rail safety authorization bill to the House floor. It is, in fact, only the second time in 100 years that the House will consider amendments, adjustments to the hours of service rule in the rail sector.

We bring to you an important bill that addresses long-neglected failings and shortcomings of safety in the rail sector that will make the railroad safer in the future; that will make jobs for workers in that sector safer in the future; that will make safer passage through towns through which railroads pass, often with toxic substances, toxic chemicals, frankly, the safest way to move those substances, but we are going to make it safer with this legislation.

I particularly want to thank the distinguished Chair of the Subcommittee on Railroads, the gentlewoman from Florida (Ms. CORRINE BROWN) for her persistent leadership, persistent efforts over the past years of service on the committee in support of rail safety; and the gentleman from Florida (Mr. MICA), ranking member of the full committee, participating in substantive discussions that resulted in compromises that we bring to the floor; and to the gentleman from Pennsylvania (Mr. SHUSTER), who has a large rail presence in his own district and, of course, in the State of Pennsylvania.

In each of the past five Congresses, I have introduced for consideration by the committee broad scope rail safety legislation and pledged that if it isn't considered in each of those Congresses, when the majority would turn and I would have the opportunity to lead the committee, that we would move such legislation. And today we deliver on that commitment.

The discussions that we had were inclusive. They were extensive. They were intensive. There were adjustments made on both sides with the result that, as the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) said during consideration of the rule, this is a bipartisan bill.

The Federal Railroad Administration has reported that the total number of train accidents, collisions, derailments, and others increased from 2,504 in 1994 over the next decade to 3,325 in 2005. Thankfully, over the last year, that number decreased to 2,925. Those improvements in rail safety statistics are a good sign. But I know from more than 25 years of chairing subcommittees on safety issues that we have a long way to go. Serious accidents resulting in fatalities, injuries, and environmental damages continue to occur and will continue to occur. Equipment can fail, people make mistakes, storms happen that cause those accidents. But we have to do everything that is possible in our realm to make sure that those accidents are minimized.

Safety requires constant vigilance by workers on the job, by employers, by

government safety oversight agencies, and by the Congress. Whether it is in mining, whether in maritime, whether in aviation, trucking, highway passenger vehicle traffic, or in the railways, vigilance is the key to safety. Safety, I define, is the relative absence of risk. And when we apply that standard to every mode of transportation and we enforce it, we will achieve greater protection of the public interest.

The FRA says that 40 percent of all train accidents result from human factors, and that's a comparable number in the other modes of transportation as well. In railroading, one in four of those accidents results from fatigue. In testimony at our committee hearings, the National Transportation Safety Board said, ''The current railroad hours of service laws permit, and many rail carriers require, the most burdensome, fatigue-inducing work schedule of any federally regulated transportation mode in the country.'' And a comparison of the modes is revealing.

A commercial part 121 airline pilot can work up to 100 hours a month. A part 135, generally known as a charter operation, can work up to 120 hours a month. Shipboard personnel on oceangoing vessels can work up to 360 hours a month. A truck driver can be on duty for 350 hours a month. But in train crews, they can be on duty up to 432 hours a month. That's 14 hours a day for each of those 30 days.

Fatigue sets in. Fatigue causes people to lose concentration, to lose focus, to lose control. Vince Lombardi said, ''Fatigue makes cowards of us all.'' He didn't mean physical cowards. He meant inability to make the right judgments.

□ 1600

And that's what fatigue does in the workplace. If you have any question about it, look at some of the things we say around this body at 2, 3 or 4 o'clock in the morning after 14 or 16 hours of debate. It doesn't make a whole lot of sense when you listen to it or when you read it. And it doesn't make any better sentence in the locomotive.

Congress made some slight modifications to the hours of service law in 1969, but this bill is the first major reform of rail hours of service standards since 1907. Our duty is to make hours of service safer and better. And this bill provides signal and train crews with rest, prohibits them from working more than 12 hours in a day, limits limbo time. I said in the beginning of the hearing, if it was good enough for the Pope to eliminate limbo, it ought to be good enough for the Congress to at least limit it in rail service.

The bill also requires all class 1 railroads to implement a positive train control system, which was the NTSB's most wanted transportation safety improvement since this was developed in 1990.

The legislation also addresses track safety. In 2006, track-related accidents surpassed human factors as the leading cause of all train accidents. Just look at the list. Most recently, in Oneida, New York; Pico Rivera in California; Home Valley in Washington; Minot, North Dakota; Nodaway, Iowa. All of them raise serious questions about the condition and the safety of the track on the Nation's railways, call into question the adequacy of track safety regulation and FRA's, Federal Railroad Association's, oversight of those conditions.

This bill requires the railroads to inspect their tracks, to look for internal defects, and provides increased funding for Federal Railroad Administration for track inspection technology, and strengthens enforcement at the Federal Railroad Administration.

FRA investigated just 13 percent of the most serious grade crossing collisions. We've got to do better than that. In 2004, the FAA conducted onsite investigations of 1,392, 93 percent of the aviation accidents that FAA had responsibility for investigating, but the FRA did only 13 percent. That's not good enough. That's not conducting oversight. That's not accepting and exercising your governmental oversight responsibility and responsibility to the public.

We increase the number of inspectors for safety at the FRA. We will double the number of Federal rail safety inspectors over the next 4 years. And we do many other items that are of great importance. I will include in the RECORD at this point the committee document that lists in specific detail all those safety improvements.

H.R. 2095, THE FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

REAUTHORIZES THE FRA

Establishes the FRSA. Re-establishes the Federal Railroad Administration as the Federal Railroad Safety Administration (FRSA), which shall consider the assignment and maintenance of safety as the highest priority. Creates a new position of Chief Safety Officer.

Rail Safety Strategy. Requires the Secretary to develop a long-term strategy for improving rail safety, which must include an annual plan and schedule for, among other things, reducing the number and rates of accidents, injuries, and fatalities involving railroads.

Reports. Requires regular reporting from the Department of Transportation's Inspector General and the National Transportation Safety Board on the FRSA's progress in implementing statutory mandates and open safety recommendations.

Financing. Increases funding for the Federal rail safety program for fiscal years 2008 through 2011, as follows: $230 million for FY2008; $260 million for FY2009; $295 million for FY2010; and $335 million for FY2011. In addition, $18 million is authorized for the design, development, and construction of the Facility for Underground Rail Station and Tunnel at the Transportation Technology Center in Pueblo, Colorado.

WORKER AND PUBLIC SAFETY

Hours of Service Reform. Provides signal and train crews with additional rest; prohibits them from working in excess of 12 hours; extends hours-of-service standards to railroad contractors; limits limbo time; eliminates the use of camp cars; and requires railroads to develop fatigue management plans.

Training. Establish minimum training standards for railroad workers, and requires the certification of conductors and carmen.

Medical Attention. Prohibits railroads from denying, delaying, or interfering with the medical or first aid treatment of injured workers, and from disciplining those workers that request treatment. Also requires railroads to arrange for immediate transport of injured workers to the nearest hospital.

Emergency Escape Breathing Apparatus. Provides emergency breathing apparatus for all crewmembers on freight trains carrying hazardous materials that would pose an inhalation hazard in the event of unintentional release.

Installation of Safety Technologies. Mandates implementation of positive train control by December 31, 2014, and authorizes the FRSA to establish a grant program to assist railroads in implementing this requirement. Also requires railroads to either install technologies in nonsignaled territories that alert train crews of misaligned switches or operate trains in such areas at speeds that will allow them to safely stop in advance of a misaligned switch.

Rail Passenger Disaster Family Assistance. Directs the NTSB to establish a program to assist victims and their families involved in a passenger rail accident, modeled after a similar aviation disaster program.

TRACK SAFETY

Internal Rail Defects. Requires railroads to conduct inspections to ensure that rail used to replace defective segments of existing rail is free from internal defects, and to perform integrity inspections to manage an annual service failure rate of less than 0.1 per track mile on high-risk corridors. Also encourages railroad use of advanced rail defect inspection equipment and similar technologies as part of a comprehensive rail inspection program.

Concrete Crossties. Directs the FRSA to develop and implement regulations for all classes of track for concrete rail ties.

Inspection Technologies. Directs the FRSA to purchase, with amounts appropriated, six Gage Restraint Measurement System vehicles and five track geometry vehicles to enable the deployment of one Gage Restraint Measurement System vehicle and one track geometry vehicle in each region.

GRADE CROSSING SAFETY

Toll Free Number to Report Grade Crossing Problems. Requires the railroads to establish and maintain a toll-free telephone number for reporting malfunctions of grade crossing signals, gates, and other devices and disabled vehicles blocking railroad tracks.

Sight Distance. Directs the railroads to remove overgrown vegetation at grade crossings, which can obstruct the view of approaching pedestrians and vehicles.

Accident and Incident Reporting. Requires the FRSA to conduct periodic audits of railroads to ensure they are reporting all accidents and incidents the National Accident Database.

National Crossing Inventory. Requires railroads to report current information, including information about warning devices and signage, on grade crossings to enable the FRSA to maintain an accurate inventory of such crossings.

State Action Plan. Requires the Secretary to identify on an annual basis the top 10 States that have had the most grade crossing collisions, and to work with them to develop a State Grade Crossing Action Plan that identifies specific solutions for improving safety at grade crossings.

Emergency Grade Crossing Improvements. Establishes a grant program to provide

emergency grade crossing safety improvements at locations where there has been a grade crossing collision involving a school bus or multiple injuries/fatalities.

ENFORCEMENT

Civil Penalties. Increases civil penalties for certain rail safety violations from $10,000 to $25,000. The minimum civil penalty remains $500. For grossly negligent violations or a pattern of repeated violations, the maximum civil penalty is increased from $20,000 under current law to not more than $100,000.

Criminal Penalties. Increases the maximum penalty for failing to me an accident or incident report from $500 to $2,500.

Enforcement Transparency. Requires the FRA to provide a monthly updated summary to the public of all railroad enforcement actions taken by the Secretary.

Safety Investigations. Makes it unlawful for any person to knowingly interfere with, obstruct, or hamper an investigation by the Secretary of Transportation or the National Transportation Safety Board.

Railroad Radio Monitoring. Authorizes the FRSA to intercept and record certain railroad radio communications for the purpose of correcting safety problems and mitigating the likelihood of accidents or incidents.

Inspector Staffing. Doubles the number of Federal rail safety inspectors by December 31, 2011.

OTHER

Tunnel Information. Requires railroads to maintain certain information related to structural inspections and maintenance activities for tunnels, and requires those railroads to provide periodic briefings to the government of the local jurisdictions in which the tunnels are located, including updates whenever a repair or rehabilitation projects alters the methods of ingress and egress into and out of the tunnels.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

We are here today to consider one of the most important pieces of legislation that we will undertake this year, as the chairman pointed out, the Federal Rail Safety Improvement Act of 2007.

As the chairman pointed out, there are still accidents that occur and there are still deaths that occur on rail, but to put that into perspective, in 2006, it was in fact the safest year ever in our Nation's railroad history.

Over the past 30 years, we have made tremendous progress in reducing the number of train accidents and deaths that occur around our rail yards and railroad lines. Let me give you some of those statistics.

In 1996, there were 33 railroad employees that were killed; in 2006, it's down to 16. Now, that's 16 too many, and we can continue to reduce that as we're attempting to do in this bill, but as you can see, there has been definite improvement.

Passenger trains, which were carrying, in 1996, 397 million people, in that year, there were 12 passengers killed. In 2006, there were 549 million passengers that were transported by train, and there were only two killed in 2006. Once again, a significant decrease. Any death is too many, but we're seeing positive results in the rail industry. In 1996, 488 people were killed at grade crossing accidents; and in 2006, that number, again, is down to 369.

While those numbers are high, this bill is going to address, as I will talk about here, how it's going to address those unsafe conditions and how we can improve making them safer for the traveling public and, of course, the rail industry.

One of the biggest issues we address in this bill is limbo time, the time that train crews must wait for pickup at the end of a run. Limbo time is very complicated. We went through some complicated negotiations, but in the end, limbo time will still exist. And I think it's important that people know that the limbo time that employees wait at the end of their run, they are being paid for limbo time, but it extends that waiting period and can result in crews being fatigued. So we phased that down in this bill. We phased down limbo time to 10 hours per month over a period of 3 years. Complete elimination of limbo time would have had some unintended consequences, like forcing train crew members to relocate their homes to new reporting points. The compromised language in this bill avoids disrupting the lives of rail workers and should permit railroad operations to continue smoothly and safely.

Another safety concern addressed in this bill is installation of positive train control, or PTC. The bill mandates that PTC be installed by the year 2014, but also provides up to 2 years of leeway in case a better or more effective system is developed.

Installation of PTC will likely cost about $3 billion, but the people that use the system will pay for that. That's not going to be passed on to the taxpayers, but the people that use the system and the rail industry will see some positive things happening in their operations to help them lower their costs. That's why I think it's important that we install an effective and reliable system, and this bill will ensure that.

I must admit that I think the bill still has some weaknesses, and we need to continue to improve in some critical areas. Grade crossing and trespassing fatalities, still the numbers are high. As I mentioned earlier, in 1996, there were 471 fatalities. That number went up, trespassers that died in 2006, to 517. And trespassers are people that are going onto rail properties illegally, they don't belong there, but those trespassing deaths are something we have to address.

Grade crossing fatalities. Again, we've seen them decrease, but we need to do more. I am grateful to Mr. GRAVES, who submitted an important amendment in the committee markup. The amendment is now part of the bill and authorizes up to $250,000 in emergency funding for a crossing which experiences a collision with a school bus or an accident where there is a fatality. Presently, if there is a fatality, that grade crossing just stays on the list, but with Mr. GRAVES' amendment, we're going to push it up until it's prioritized and make sure that crossing is dealt with in a timely manner.

I am also grateful to Mr. BROWN from South Carolina, who helped us create a provision fostering the use of advanced warning devices at railroad crossings.

In closing, I want to thank Chairman OBERSTAR and Chairwoman BROWN, the subcommittee Chair, for working with me and Mr. MICA in trying to make this bill a better bill. As I said, there are still some improvements that we would like to see, and we will continue to work through the process to make the bill a stronger bill.

I urge my colleagues to support H.R. 2095.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 5 minutes to the distinguished Chair of our Rail Subcommittee, Ms. BROWN, the gentlelady from Florida.

Ms. CORRINE BROWN of Florida. First of all, let me just thank Chairman OBERSTAR for his leadership on Transportation. Truly, Mr. OBERSTAR is a transportation guru. And his motto, ''Transportation is the committee that put America to work,'' I want to thank you for ''let's put America to work safely.'' I also want to thank Mr. MICA and Mr. SHUSTER for their hard work on this legislation.

Developing this rail safety legislation was the number one priority for the Railroad Subcommittee. Congress last passed legislation to reauthorize the Federal Railroad Administration in 1994. That authorization expired in 1998. Since that time, the railroad industry has changed greatly. Economic growth and increase in international trade has led to record traffic levels. At the same time, Amtrak and the commuter railroads, which often operate freight rail lines, are moving more passengers, which means that there's lots of pressure on the rail system, and this has a major impact on work and public safety.

Since the beginning of the 110th Congress, the subcommittee has held six hearings on rail safety, examined fatigue, the role of human factors in rail accidents, and the reauthorization of the Federal Rail Safety program. We also held two hearings in Texas and California.

In addition to the subcommittee's hearings, we met with labor, the railroads, government agencies, and other interested parties in crafting this legislation. Through some tough negotiations, we were able to develop a bipartisan agreement on the most difficult issues, and I believe we have a really good bill. Let me highlight a number of provisions in the bill.

H.R. 2095 reauthorized the FRA as the Federal Railroad Safety Administration and ensures that it will consider and assign maintenance and safety as their highest priority.

The bill seeks to help prevent accidents caused by human factors, which accounts for about 40 percent of all rail accidents, by strengthening the hours

of service law, increasing worker training and qualifications, and implementing advanced safety technologies.

This bill improves safety at our Nation's grade crossings. It requires railroads to establish, maintain, and post a toll-free number at all grade crossings to receive calls regarding malfunctions of signals, crossing gates, or disabled vehicles blocking crossings.

H.R. 2095 directs the Secretary to prescribe regulations regarding railroads to remove all overgrown vegetation from their right-of-way to improve the view of pedestrians and motor vehicle operators. H.R. 2095 also requires railroads to develop and submit to the Secretary a plan for implementing a positive train control system by December 31, 2014.

Further, it requires the Secretary of Transportation to develop a long-term strategy for improving railroad safety, which must include a plan and schedule for reducing the number and rates of accidents, injuries and fatalities involving railroads.

Simply put, this legislation is going to save lives. I look forward to going to conference and putting a bill on the President's desk for his signature.

I want to again thank Chairman OBERSTAR for his leadership on the committee. And I would encourage all of my colleagues to support this legislation.

Mr. SHUSTER. I yield as much time as he may consume to the distinguished ranking member of the Transportation Committee.

Mr. MICA. Thank you, Mr. SHUSTER, for yielding me time, and also for managing the time today on this bill. Mr. SHUSTER is doing an outstanding job in leading the Republican side of the Rail Subcommittee, and I appreciate his fine efforts. Also, the great efforts of my colleague from Florida (Ms. CORRINE BROWN), who chairs the subcommittee. And indeed, we are fortunate to have someone with Mr. OBERSTAR's leadership at our helm, chairing the committee after a long wait of some 32 years. I know this has been one of his priorities, rail safety, and I'm pleased that he has an opportunity to bring his bill to the floor today.

Now, of course, ladies and gentlemen of the House, my colleagues, we all want safe rail, we want safe infrastructure in our Nation, and it is important that we do everything possible to move safety forward and to make certain that freight rail, passenger rail, that our crossings, that those that work and are employed in this great industry are as safe as possible. And I think that that was the original intent.

Now, let me say that I have an agreement with Mr. OBERSTAR, Ms. BROWN and Mr. SHUSTER to support this bill on passage, and I intend to put my card in the reader and I will vote ''yes.'' That doesn't prohibit me from talking a little bit about the bill and the genesis of this bill.

□ 1615

Now, the intent is one thing about this legislation, and I think, again, it was safety and well-intended. But unfortunately, I think we started out with a bad bill.

The other side won the election, and there were some presents to be presented to labor. This doesn't have a red bow on it. But this started out as something I think that was sort of a gift to labor from the election. It is nice to approach legislation from that standpoint. But I think we have been able to take what I consider a very bad bill, that its intention was to actually codify some of the labor work rules relating to our rail industry. We have taken that bad legislation, and we have made it a little bit better. I think we still have a ways to go.

There are some good things in this. Mr. OBERSTAR pointed out that we did take the number one recommendation of the NTSB, the National Transportation Safety Board. That is the board that does investigate accidents. It is important that we take from them the best information they have possible and then translate that into legislative action so that accident doesn't occur. So, one, we have taken their recommendation, a positive train separation, and it is part of this bill. I am complimentary of that.

I think Mr. GRAVES, the gentleman from Missouri, a member of our committee and outstanding subcommittee Chair, I am sorry, ranking member, of the Public Buildings Subcommittee, his crossing prioritization for changing out dangerous crossings is an excellent provision. I think also that there is a good provision in this for acquiring some of the technical equipment. You have to understand, Mr. SHUSTER said there are very few accidents. In fact, the latest statistics that we have, there were 16 employee deaths in 2006. Only six of the deaths involved train accidents. So it is a very low number. That is compared to 25 of 33 employee deaths in 1996. So there is substantial improvement in that regard.

But if you look at some of the factors, and we have the factors that cause train accidents, you find the human factor is number one. It accounts for some 35, almost 36 percent of train accidents. This bill doesn't do enough, really, to deal with the human factors, in my opinion. Some of that involves training and some other things that we should be addressing.

The second is track defects. I had a chance, when I was going to college, I worked 16 hours a day, 7 days a week on the rail to finance my college education, part of it, and I got to see some of what happens on the railroads firsthand. Track defects today are very difficult to detect just by some of the measures that we have, for example, in this bill.

This bill mandates that we have almost a doubling of track inspectors. Now, that is a nice gift also to the unions. We will get a few more union members. But is that what we need when the way to really detect track defects is with the latest technology and equipment? I did say the bill has authorization for acquisition of, I think, six additional track testing pieces of equipment. But if we really want to do that, we should be spending not just more money on bodies and inspectors and routine inspections, increasing those, kind of makework; we should be, first of all, making certain that we have a risk-based inspection system.

When I become chairman of Aviation, that was one of the things we did in Aviation, and I gave my blessings to, back in 1991. We have enjoyed the safest period of aviation safety, passenger aircraft safety, in the history of our Nation. I believe that is because it is a risk-based system. Rather than going out on a Monday, we are going to inspect this piece of equipment and then we schedule that for the next month on Monday and we go back and we do it and we add inspectors, we look at where the risks are and that is where we put our resources. It is not always how much we spend; it is how we spend it and how we apply those dollars.

Again, I have some questions about the approach in this bill. We do have an agreement. I am pleased to support this. My hope is that we can take this bill as we have done working with Mr. OBERSTAR, Ms. BROWN, Mr. SHUSTER, and we can craft it into a better piece of legislation as it goes hopefully through conference, and I will support it.

In closing, there are some questions about the amendments. I will support the manager's amendment which I agreed to. The other three Members have asked me, and I say, you pick and choose. Mr. OBERSTAR and I did not make the decision on the three other amendments the Rules Committee brought forth, and you will have to assess them as to their own merits.

It is important that we take this legislation up. It is important that we move together in a bipartisan fashion. I have a little bit different set of priorities, again, on some of the issues that we have addressed in the legislation. But I have a fond hope that through a bipartisan future effort we can approve this legislation and continue to make certain that our rail employees, our rail passengers and those that cross the railroad tracks in our communities are safe.

Mr. OBERSTAR. Mr. Chairman, I yield myself 15 seconds.

I thank the gentleman for his comments, for his support of the bill. I am delighted to learn that the gentleman spent so much time on the railroad going through college. We share that. I worked on the rail during my years in the iron ore mines. I worked those double-aught shifts, as well, and I know how hard hours of service are and how important it is for us to put those limits on.

I now yield 3 minutes to the distinguished gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. I thank the gentleman from Minnesota, and I thank

you for your leadership on this very important bill, and Chairwoman BROWN, as well, for your exceptional leadership.

Mr. Chairman, I rise today in support of H.R. 2095, the Federal Railroad Safety Improvement Act of 2007, and urge swift passage of the measure. I believe that this bill addresses many important issues that have been ignored for far too long. I am grateful to the chairwoman, as well, for the inclusion of the language that authorizes funding for the tunnel to be built at the Transportation Technology Center, an internationally recognized train testing facility that she was able to tour last year. It is located in Pueblo, Colorado. TTC is used by the Federal Railroad Administration to conduct significant research and development on rail safety.

TTC offers 48 miles of railroad track to test rolling stock, track components, signal and safety devices, track structure and vehicle performance. It also has several one-of-a-kind laboratory test facilities used for evaluating vehicle dynamics, structural characteristics and advanced braking systems. TTC already operates as a world-class research and test center offering a wide range of capabilities in railroad and transit research.

For the past 2 years, we have been working to get funding for a facility for an underground rail station and tunnel at TTC. The tunnel will add to the center's capabilities and serve as an invaluable resource as we strive to ensure that our Nation's railroads are safe and secure against possible terror attacks. Recent events have sadly demonstrated the vulnerability of underground mass transit systems. Safety experts have identified a number of technology and training needs to prevent attacks on tunnels and lessen the consequences of such attacks. These needs include detection systems, dispersal control and decontamination techniques.

The distinctive, remote environment of TTC allows such testing and training activities to be carried out at a secure location, without disruption to the flow of passenger and rail traffic in and around urban areas. I applaud Chairman OBERSTAR, Chairwoman BROWN and Mr. SHUSTER for recognizing the important role that such a tunnel will play in rail safety. I believe H.R. 2095 ensures that we remain the world's safest rail system, and I urge my colleagues to support this bill.

Mr. SHUSTER. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana (Mr. BAKER).

Mr. BAKER. I thank the ranking member for yielding his time. I certainly appreciate the good work he has done with Ranking Member MICA on this important rail safety bill. Of course, Chairwoman BROWN and Chairman OBERSTAR have been exemplary in working in a bipartisan way to bring this product to the House floor today, and I certainly hope all Members will find a way to support this legislation.

Mr. Chairman, I rise today to speak to only one element of the bill that I had particular interest in, and that is with regard to a new reporting requirement for the rails to disclose on an annual basis to the Surface Transportation Board the amount of money spent out of their capital for improvements to rail, track, locomotives and other related maintenance which will give us, I believe for the first time, critical metrics to analyze what they are doing to preserve the safety of our rail system.

Of course, safety is uppermost in our mind today, but our rail system is also the heart of our economy. The ability to move goods and services and people across this great Nation over our rail system is absolutely essential going forward. We must judge based on their actual expenditure whether the rails themselves are engaging in appropriate conduct in spending the necessary funds to make this system safe and sound.

I have great concerns that in periods of record profitability, Wall Street analysts have identified these systems as being very undervalued. In fact, there are indications that some hedge fund managers are acquiring large blocks of railroad stock and the consequential reaction has been by the rails to repurchase their own stock and perhaps divert needed resources from necessary and very important infrastructure improvements.

I commend the committee leadership for the inclusion of this important provision, as I think going forward it will enable this Congress to take actions that are necessary and proper to preserve this important system.

Mr. OBERSTAR. I would like to inquire of the time remaining on both sides.

The CHAIRMAN. The gentleman from Minnesota has 12½ minutes remaining. The gentleman from Pennsylvania has 14½ minutes remaining.

Mr. OBERSTAR. I yield 2 minutes to the distinguished gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Chairman, I rise in strong support of H.R. 2095. I congratulate all my colleagues for this strong bipartisan railroad safety bill, and I associate myself with the remarks of the gentleman who just spoke.

It is of utmost importance to my district because over 160 trains travel through my district daily carrying over 14,000 containers, many containing hazardous material, carrying $400 billion worth of trade, most of it for the eastern part of the United States. It is expected to triple by the year 2020.

We have experienced many derailments in my area. That has caused great distress not only to my families, to the businesses, the damage, the economic impact it has had, the threat to the public safety, and the anxiety caused along that railroad corridor.

This Railroad Safety Improvement Act helps prevent future derailments by improving track safety, improving grade crossing safety, improving whistleblower protections, addressing concerns over railroad fatigue, and ensures enforcement by clarifying the U.S. Attorney General's authority to bring civil action against the railroads, increasing penalties, increasing reporting of enforcement actions, and many other areas that are very, very important.

This bill includes two of my amendments to section 605, creating strict training standards for railroad inspectors, tough training for all rail employees who expressed to us their lack of training curriculum and additional training requirements for railroad inspectors who have expressed that they need that training.

My amendment creates strong training, testing and skills evaluation measures, ensures that the train inspectors are able to address critical safety defects that contribute to derailments and accidents in a timely basis. I couldn't agree more with the gentleman. We need to look at new technology that is going to help us get there. But we also need the support of the railroads.

My second amendment in section 407 authorizes $1.5 million for operation life safety for a total of $6 million. I certainly want to show that we all cooperate in this and look forward to having this vote pass with great success.

Mr. SHUSTER. Mr. Chairman, I yield 4 minutes to the gentleman from Ohio (Mr. LATOURETTE), the distinguished former chairman of the Rail Subcommittee and one of America's experts in the rail industry.

Mr. LATOURETTE. I thank the gentleman for yielding.

Mr. Chairman, I rise today in support of H.R. 2095, the Federal Railroad Safety Improvement Act of 2007. A number of the speakers who will speak on this bill today, when the bill was first introduced I had some difficulty with some of the provisions, but I want to thank Chairman OBERSTAR, Chairwoman BROWN, Ranking Member MICA and Ranking Member SHUSTER for continuing the great hallmark of the Transportation and Infrastructure Committee and working through those issues, be it limbo time, be it Federal preemption, be it a variety of other issues, and reaching a product that was brought to the floor today that I think that most, if not all of us, will be supportive of, as well.

□ 1630

Just a moment about Chairman OBERSTAR. When the majority changed, there's more Democrats on the committee than there are Republicans. They could write their own bill. But that hasn't been the way this committee has ever worked, and that isn't the way Chairman OBERSTAR is running the committee either. He reached out

to our side of the aisle to talk about these issues, and the result is that he has brought to the floor a piece of legislation that will overwhelmingly pass sometime later this evening.

Mr. Chairman, this important legislation will bring industry and government a long way towards the shared goal of improving rail safety. Although the number of train accidents decreased last year by almost 500, it is unclear whether that 1-year progress will continue. We are and we should always be looking for new ways to improve safety, not only for railroad employees, but for the surrounding communities as well.

Despite everyone's best intentions, disasters will strike. As the current Speaker pro tempore is well aware, in January of 2002, a Canadian Pacific train derailed 31 of its 112 cars in Minot, North Dakota. Five tank cars carrying anhydrous ammonia, a liquefied compressed gas, catastrophically ruptured, and a toxic vapor plume covered the derailment site and surrounding area. More than 11,000 people were impacted, and there was one fatality. More than 300 people were injured, including two members of the crew. Damages in that event exceeded $2 million, and more than $8 million has been spent for environmental cleanup efforts.

Mr. Chairman, just last week in Painesville, Ohio, about a mile from my district office, a CSX train derailed 30 of its 112 cars. A car containing ethanol exploded and fire engulfed several cars containing grain and ethanol. It burned for a number of days. More than 1,000 residents were evacuated, schools were disrupted, and roads, highways and businesses closed. Fortunately, in our event there were no injuries, but it was a tremendous disruption in the lives of many people. The six law enforcement agencies and 24 local fire departments that responded put in an untold number of overtime hours. Officials are only now evaluating the environmental fallout as they search for a cause.

To its credit, CSX Rail has stepped up following this incident. They are paying for hotel rooms of displaced persons, assisting in a variety of manners with the recovery and cleanup efforts, and have shown that they are willing to take responsibility when something goes awry. Our local responders and CSX worked together and provided a seamless response in Painesville.

Mr. Chairman, I am also happy to announce that following my conversation last Friday with Tony Ingram, the chief operating officer of CSX, the company has offered to work to cover the costs incurred by our local first responders. I greatly appreciate that and know that this is going to be a huge relief to cash-strapped communities in my district whose budget cannot handle the overtime.

While CSX is doing its best to minimize the damage this derailment has caused, it goes to show that when accidents do happen, this disruption is enormous. We must do everything that we can to prevent these types of incidents from occurring. The bill that Mr. OBERSTAR has brought forward today before the Congress takes a number of steps in the right direction. I urge my colleagues to support the bill.

Mr. OBERSTAR. Mr. Chairman, I yield myself 5 seconds.

Mr. Chairman, I express my great sympathy to the gentleman from Ohio on the tragedy, and for his description of it, and also my appreciation for his kind words about our work on the committee.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Illinois (Mr. LIPINSKI), whose district includes the greatest confluence of rail in the whole country.

Mr. LIPINSKI. Mr. Chairman, I thank the chairman of the committee for yielding and for all his tireless efforts on behalf of rail safety.

Mr. Chairman, today I rise in strong support of the Federal Railroad Safety Improvement Act. As the chairman says, I represent part of Chicago, which is the rail hub of the Nation. I understand just how important railroad traffic is, railroads are to this country, both passenger and freight. In all transportation, safety is key.

This bill makes crucial improvements in safety for rail employees, passengers and all Americans who live, work, travel along rail lines. I would like to commend Chairman OBERSTAR, Subcommittee Chairwoman BROWN, Ranking Member SHUSTER, and Ranking Member MICA for their work on this bill.

Mr. Chairman, among the other important improvements that come in this bill, H.R. 2095 works to strengthen the integrity of our Nation's rail system, encourages the implementation of new technologies, such as positive train control systems, known as PTC. I am especially pleased that, at my request, the committee included language in the bill that provides Federal funding to expedite PTC installation. PTC systems can drastically reduce collisions, derailments and other accidents, while at the same time improving efficiency. It's clearly a much-needed advance.

I also want to speak right now in strong support of the Napolitano amendment, which broadly ensures Mexican trains entering the U.S. continue to receive proper brake, mechanical and hazardous material inspections by highly skilled American personnel.

Mr. Chairman, this bill is essential for continued safety of our railways. I urge adoption of the Napolitano amendment and passage of the underlying bill.

Mr. SHUSTER. Mr. Chairman, at this time I have no further speakers, so I will continue to reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, at this time I yield 2 minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank the chairman, not only for yielding, but his extraordinarily hard work in preparing this bill, along with my good friend, the gentlewoman from Florida, who together have crafted a bill, working with Mr. MICA and Mr. SHUSTER, so that what we have before us is a classic bipartisan bill and one that is urgently needed.

This is a public transportation bill, and it looks to a part of our economy upon which we are disproportionately dependent. It also happens to be a mode of transportation that is relatively clean. I got to thinking about the importance of this bill, Mr. Chairman, and I could only think about where we have spent much more time, and that is on air travel. Yet, we have limited the time that pilots, and, for that matter, other air personnel can be on duty and certainly in the air.

Rail employees for decades have simply absorbed the burden of extraordinary numbers of hours away from home, on duty. How have we escaped some catastrophic accidents that would linger in our minds? I think it is only because of the courage and the perseverance of rail personnel, who obviously have worked through fatigue and who have simply taken on their shoulders most of the hardships. I don't even want to think about what the cost of family life has been with regards to children, the cost of being away when there has been an emergency or death in the family or someone is lingering. I just don't want to think about that, because when I do, I am reminded about how late this bill is and how urgent it is.

So I want to thank the chairman, and I want to commend the courage of rail workers, and especially I want to do so as a member of the Homeland Security Committee, which is deeply affected as well.

Mr. SHUSTER. Mr. Chairman, I reserve my time.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I would like to thank Chairman OBERSTAR, Ranking Member MICA, Chairwoman BROWN and Ranking Member SHUSTER for their work on this bill.

My district is located in a densely populated area on Long Island, New York. We have the comfort and convenience of rail transportation to New York City by the Long Island Railroad. The Long Island Railroad moves safely through the Fourth Congressional District with the use of locomotive horns at train crossings.

Although the use of horns at train crossings ensures the safety of the surrounding communities, horn noise also has a substantial impact on the quality of life of individuals living in those communities.

For example, in Cedarhurst, New York, there are five train crossings

within a half mile. Because the crossings are so close together, the result is a continuous horn blast as the train moves through the community. The horn noise can be so loud and last so long that individuals must stop any ongoing conversations for several minutes. This happens most often during rush hour, but continues approximately 50 times throughout the day. Individuals find it difficult to sleep through the horn noise, even with the use of earplugs, and are awakened early in the morning and late in the evening. Also, because my district is so densely populated, the horn noise bounces off many of the buildings nearest the railroad and seems to intensify as it moves through the community.

I support the Federal Railroad Administration and its primary goal of ensuring the safety of railroads and trains across the country and in the Fourth Congressional District of New York. I do not and will not support any measure that will reduce the safety of railroads and trains coming through my community.

With that in mind, I also understand the effect of locomotive noise that does interfere with the quality of life. I have received countless letters and e-mails from my constituents expressing how noise affects their daily lives.

Due to the impact that locomotive horn noise has on the communities in my district, I support the language in the manager's amendment that allows the Secretary to consider the impact of horn noise on the local community and the unique characteristics of the community that it is serving in considering applications for waivers or exemptions.

I want to thank Chairman OBERSTAR for working with me on this issue and allowing me the time to express my support for his amendment and the bill.

Mr. SHUSTER. Mr. Chairman, I continue to reserve my time.

Mr. OBERSTAR. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. RODRIGUEZ).

Mr. RODRIGUEZ. Mr. Chairman, let me take this opportunity first of all to rise and indicate that I am here on behalf of the Napolitano amendment. The amendment would prohibit Mexican companies and inspectors from performing mechanical inspections of trains unless they meet specific U.S. standards, including rigorous training of inspectors.

I think that is essential. We have some 10,000 trains that cross the U.S.-Mexican border through my district alone. We had over four derailments in 2004. We think this is an amendment that is important and is critical in order for us to continue to have safety in those trains.

So I want to encourage the passage of the amendment by Congresswoman GRACE NAPOLITANO that will allow an opportunity for those inspectors to be well trained and to make sure that they specify U.S. standards before that occurs.

As I indicated earlier, I represent the longest stretch of the Mexican border of any Member of Congress, and I think that this is an area of significance and importance.

Mr. SHUSTER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, through this process, we have had some significant differences, but we were able to work them out and produce a product that has bipartisan support in the committee. For me, it was a great experience working with Chairwoman BROWN, but especially working with Chairman OBERSTAR. At times it was quite daunting to go into negotiations with somebody who not only knows the current issues of the rail history, but knows the vast history of the rail industry. So I made it through the process and learned quite a bit, and I appreciate the chairman and chairwoman for working with me, and also, of course, Mr. MICA for giving me the responsibility on this piece of legislation.

Mr. Chairman, I urge my colleagues to support H.R. 2095, the Federal Rail Safety Improvement Act of 2007.

Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I again want to express my great appreciation to Ms. BROWN for years of advocacy for rail issues and for her championing of the rail safety matters, and to thank the distinguished gentleman from Pennsylvania, who has devoted a great deal of energy and time and effort to rail from his first day on the committee, asking the committee to hold a hearing in 2001 in his district on rail maintenance yard issues and continuation of rail service. It turned out to be a very enlightening hearing.

He has remained engaged in the issues. As the gentleman said a moment ago, we did not just throw issues on the table; we rather sat around the table after the hearings and discussed in detail repeatedly subject matters, made concessions on each side, adjustments, understanding each other's concerns, and reached not the ideal of each side, but ideal in the best public interest. The result is, I believe, a bill that substantially advances the cause of rail safety.

□ 1645

I must say in passing that it diminishes the substance of the bill to say that it is, as the previous speaker did, a gift to rail labor. This is a gift to all Americans, to all residents of communities that are home to railroads, to rail makeup yards through which the goods of America move, through which the coal and the grain and the containers move. It is safety for them. It is safety for the workers on the railroads. It is in the best interest of all America. I urge passage of the bill.

Ms. GIFFORDS. Mr. Chairman, I am pleased to vote today in support of H.R. 2095, the Federal Railroad Safety Improvement Act of 2007.

This legislation includes important safety improvements that will positively impact railroad workers and passengers.

H.R. 2095 recognizes that railroad workers have tremendous responsibilities. Americans rely on them to transport commercial goods that are critical to our economy and to keep passengers and the public safe. The bill promotes a safer and healthier work environment and requires railroad companies to devise and implement fatigue management plans.

Additionally, this bill will ensure that railroad employees who handle hazardous waste moving through our communities are properly rested and alert.

I am pleased that concerns about the safety of locomotive engineers are reflected in H.R. 2095 which calls for a formal study of locomotive cab design. This study will take into account the health effects of locomotive seats, diesel-fume inhalation for lead and trailing locomotives, and other cab working conditions.

H.R 2095 also includes protections for whistle-blowers who report unsafe conditions and personal injuries.

I thank Chairman OBERSTAR for bringing this legislation forward and ask my colleagues to join rite in voting for its passage.

Mr. OBERSTAR. I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the committee amendment is as follows:

H.R. 2095

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Federal Railroad Safety Improvement Act of 2007''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—FEDERAL RAILROAD SAFETY ADMINISTRATION

Sec. 101. Establishment of Federal Railroad Safety Administration.
Sec. 102. Railroad safety strategy.
Sec. 103. Reports.
Sec. 104. Rulemaking process.
Sec. 105. Authorization of appropriations.

TITLE II—EMPLOYEE FATIGUE

Sec. 201. Hours of service reform.
Sec. 202. Employee sleeping quarters.
Sec. 203. Fatigue management plans.
Sec. 204. Regulatory authority.
Sec. 205. Conforming amendment.

TITLE III—PROTECTION OF EMPLOYEES AND WITNESSES

Sec. 301. Employee protections.

TITLE IV—GRADE CROSSINGS

Sec. 401. Toll-free number to report grade crossing problems.
Sec. 402. Roadway user sight distance at highway-rail grade crossings.
Sec. 403. Grade crossing signal violations.
Sec. 404. National crossing inventory.
Sec. 405. Accident and incident reporting.
Sec. 406. Authority to buy promotional items to improve railroad crossing safety and prevent railroad trespass.

Sec. 407. Operation Lifesaver.
Sec. 408. State action plan.
Sec. 409. Fostering introduction of new technology to improve safety at highway-rail grade crossings.

TITLE V—ENFORCEMENT

Sec. 501. Enforcement.
Sec. 502. Civil penalties.
Sec. 503. Criminal penalties.
Sec. 504. Expansion of emergency order authority.
Sec. 505. Enforcement transparency.
Sec. 506. Interfering with or hampering safety investigations.
Sec. 507. Railroad radio monitoring authority.
Sec. 508. Inspector staffing.

TITLE VI—MISCELLANEOUS PROVISIONS

Sec. 601. Positive train control systems.
Sec. 602. Warning in nonsignaled territory.
Sec. 603. Track safety.
Sec. 604. Certification of conductors.
Sec. 605. Minimum training standards.
Sec. 606. Prompt medical attention.
Sec. 607. Emergency escape breathing apparatus.
Sec. 608. Locomotive cab environment.
Sec. 609. Tunnel information.
Sec. 610. Railroad police.
Sec. 611. Museum locomotive study.
Sec. 612. Certification of carmen.
Sec. 613. Train control systems deployment grants.
Sec. 614. Infrastructure safety investment reports.
Sec. 615. Emergency grade crossing safety improvements.
Sec. 616. Clarifications regarding State law causes of action.

TITLE VII—RAIL PASSENGER DISASTER FAMILY ASSISTANCE

Sec. 701. Short title.
Sec. 702. Assistance by National Transportation Safety Board to families of passengers involved in rail passenger accidents.
Sec. 703. Rail passenger carrier plans to address needs of families of passengers involved in rail passenger accidents.
Sec. 704. Establishment of task force.

SEC. 2. DEFINITIONS.

For purposes of this Act, the terms ''railroad'' and ''railroad carrier'' have the meaning given those terms in section 20102 of title 49, United States Code.

TITLE I—FEDERAL RAILROAD SAFETY ADMINISTRATION

SEC. 101. ESTABLISHMENT OF FEDERAL RAILROAD SAFETY ADMINISTRATION.

(a) AMENDMENT.—Section 103 of title 49, United States Code, is amended to read as follows:

''§ 103. Federal Railroad Safety Administration

''(a) IN GENERAL.—The Federal Railroad Safety Administration (in this section referred to as the 'Administration') shall be an administration in the Department of Transportation. To carry out all railroad safety laws of the United States, the Administration shall be divided on a geographical basis into at least 8 safety offices. The Secretary of Transportation shall be responsible for enforcing those laws and for ensuring that those laws are uniformly administered and enforced among the safety offices.

''(b) SAFETY AS HIGHEST PRIORITY.—In carrying out its duties, the Administration shall consider the assignment and maintenance of safety as the highest priority, recognizing the clear intent, encouragement, and dedication of Congress to the furtherance of the highest degree of safety in railroad transportation.

''(c) ADMINISTRATOR.—The head of the Administration shall be the Administrator who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be an individual with professional experience in railroad safety, hazardous materials safety, or other transportation safety. The Administrator shall report directly to the Secretary of Transportation.

''(d) DEPUTY ADMINISTRATOR.—The Administration shall have a Deputy Administrator who shall be appointed by the Secretary. The Deputy Administrator shall carry out duties and powers prescribed by the Administrator.

''(e) CHIEF SAFETY OFFICER.—The Administration shall have an Associate Administrator for Railroad Safety appointed in the competitive service by the Secretary. The Associate Administrator shall be the Chief Safety Officer of the Administration. The Associate Administrator shall carry out the duties and powers prescribed by the Administrator.

''(f) DUTIES AND POWERS OF THE ADMINISTRATOR.—The Administrator shall carry out—

''(1) duties and powers related to railroad safety vested in the Secretary by section 20134(c) and chapters 203 through 211 of this title, and by chapter 213 of this title for carrying out chapters 203 through 211; and

''(2) other duties and powers prescribed by the Secretary.

''(g) LIMITATION.—A duty or power specified in subsection (f)(1) may be transferred to another part of the Department of Transportation or another Federal Government entity only when specifically provided by law. A decision of the Administrator in carrying out the duties or powers of the Administration and involving notice and hearing required by law is administratively final.

''(h) AUTHORITIES.—Subject to the provisions of subtitle I of title 40 and title III of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 251 et seq.), the Secretary of Transportation may make, enter into, and perform such contracts, grants, leases, cooperative agreements, and other similar transactions with Federal or other public agencies (including State and local governments) and private organizations and persons, and make such payments, by way of advance or reimbursement, as the Secretary may determine to be necessary or appropriate to carry out functions at the Administration. The authority of the Secretary granted by this subsection shall be carried out by the Administrator. Notwithstanding any other provision of this chapter, no authority to enter into contracts or to make payments under this subsection shall be effective, except as provided for in appropriations Acts.''.

(b) REFERENCES AND CONFORMING AMENDMENTS.—(1) All references in Federal law to the Federal Railroad Administration shall be deemed to be references to the Federal Railroad Safety Administration.

(2) The item relating to section 103 in the table of sections of chapter 1 of title 49, United States Code, is amended to read as follows:

''103. Federal Railroad Safety Administration.''.

SEC. 102. RAILROAD SAFETY STRATEGY.

(a) SAFETY GOALS.—In conjunction with existing federally required strategic planning efforts, the Secretary of Transportation shall develop a long-term strategy for improving railroad safety. The strategy shall include an annual plan and schedule for achieving, at a minimum, the following goals:

(1) Reducing the number and rates of accidents, injuries, and fatalities involving railroads.

(2) Improving the consistency and effectiveness of enforcement and compliance programs.

(3) Identifying and targeting enforcement at, and safety improvements to, high-risk highway-rail grade crossings.

(4) Improving research efforts to enhance and promote railroad safety and performance.

(b) RESOURCE NEEDS.—The strategy and annual plans shall include estimates of the funds and staff resources needed to accomplish each activity. Such estimates shall also include the staff skills and training needed for timely and effective accomplishment of each goal.

(c) SUBMISSION WITH THE PRESIDENT'S BUDGET.—The Secretary of Transportation shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate the strategy and annual plan at the same time as the President's budget submission.

(d) ACHIEVEMENT OF GOALS.—

(1) PROGRESS ASSESSMENT.—No less frequently than semiannually, the Secretary of Transportation and the Administrator of the Federal Railroad Safety Administration shall assess the progress of the Administration toward achieving the strategic goals described in subsection (a). The Secretary and the Administrator shall convey their assessment to the employees of the Federal Railroad Safety Administration and shall identify any deficiencies that should be remediated before the next progress assessment.

(2) REPORT TO CONGRESS.—The Secretary shall transmit a report annually to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the performance of the Federal Railroad Safety Administration relative to the goals of the railroad safety strategy and annual plans under subsection (a).

SEC. 103. REPORTS.

(a) REPORTS BY THE INSPECTOR GENERAL.—Not later than 30 days after the date of enactment of this Act, the Inspector General of the Department of Transportation shall submit to the Secretary of Transportation and the Administrator of the Federal Railroad Safety Administration a report containing the following:

(1) A list of each statutory mandate regarding railroad safety that has not been implemented.

(2) A list of each open safety recommendation made by the National Transportation Safety Board or the Inspector General regarding railroad safety.

(b) REPORTS BY THE SECRETARY.—

(1) STATUTORY MANDATES.—Not later than 90 days after the date of enactment of this Act, and every 180 days thereafter until each of the mandates referred to in subsection (a)(1) has been implemented, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the specific actions taken to implement such mandates.

(2) NTSB AND INSPECTOR GENERAL RECOMMENDATIONS.—Not later than January 1st of each year, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report containing each recommendation referred to in subsection (a)(2), a copy of the Department of Transportation response to each such recommendation, and a progress report on implementing each such recommendation.

SEC. 104. RULEMAKING PROCESS.

(a) AMENDMENT.—Subchapter I of chapter 201 of title 49, United States Code, is amended by inserting after section 20115 the following new section:

''§ 20116. Rulemaking process

''No rule or order issued by the Secretary under this part shall be effective if it incorporates by reference a code, rule, standard, requirement, or practice issued by an association or other entity that is not an agency of the Federal Government, unless that reference is to a particular code, rule, standard, requirement, or practice adopted before the date on which the rule is issued by the Secretary, and unless the date on which the code, rule, standard, requirement, or practice was adopted is specifically cited in the rule.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter I of chapter 201 of title 49, United States Code, is amended by adding after the item relating to section 20115 the following new item:

''20116. Rulemaking process.''.

SEC. 105. AUTHORIZATION OF APPROPRIATIONS.

Section 20117(a) of title 49, United States Code, is amended to read as follows:

''(a) IN GENERAL.—(1) There are authorized to be appropriated to the Secretary of Transportation to carry out this part and to carry out responsibilities under chapter 51 as delegated or authorized by the Secretary—

''(A) $230,000,000 for fiscal year 2008;

''(B) $260,000,000 for fiscal year 2009;

''(C) $295,000,000 for fiscal year 2010; and

''(D) $335,000,000 for fiscal year 2011.

''(2) With amounts appropriated pursuant to paragraph (1), the Secretary shall purchase 6 Gage Restraint Measurement System vehicles and 5 track geometry vehicles to enable the deployment of 1 Gage Restraint Measurement System vehicle and 1 track geometry vehicle in each region.

''(3) There are authorized to be appropriated to the Secretary $18,000,000 for the period encompassing fiscal years 2008 through 2011 to design, develop, and construct the Facility for Underground Rail Station and Tunnel at the Transportation Technology Center in Pueblo, Colorado. The facility shall be used to test and evaluate the vulnerabilities of above-ground and underground rail tunnels to prevent accidents and incidents in such tunnels, to mitigate and remediate the consequences of any such accidents or incidents, and to provide a realistic scenario for training emergency responders.

''(4) Such sums as may be necessary from the amount appropriated pursuant to paragraph (1) for each of the fiscal years 2008 through 2011 shall be made available to the Secretary for personnel in regional offices and in Washington, D.C., whose duties primarily involve rail security.''.

TITLE II—EMPLOYEE FATIGUE

SEC. 201. HOURS OF SERVICE REFORM.

(a) DEFINITIONS.—Section 21101(4) of title 49, United States Code, is amended by striking ''employed by a railroad carrier''.

(b) LIMITATION ON DUTY HOURS OF SIGNAL EMPLOYEES.—Section 21104 of title 49, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

''(a) GENERAL.—Except as provided in subsection (c) of this section, a railroad carrier and its officers and agents may not require or allow a signal employee, and a railroad contractor and its officers and agents may not require or allow a signal employee, to remain or go on duty—

''(1) unless that employee has had at least 10 consecutive hours off duty during the prior 24 hours;

''(2) for a period in excess of 12 consecutive hours; or

''(3) unless that employee has had at least one period of at least 24 consecutive hours off duty in the past 7 consecutive days.

The Secretary may waive paragraph (3) if a collective bargaining agreement provides a different arrangement and such arrangement provides an equivalent level of safety.'';

(2) in subsection (b)(3) by striking '', except that up to one hour of that time spent returning from the final trouble call of a period of continuous or broken service is time off duty'';

(3) in subsection (c)—

(A) by inserting ''for not more than 3 days during a period of 7 consecutive days'' after ''24 consecutive hours''; and

(B) by adding at the end the following: ''A signal employee may not be allowed to remain or go on duty under the emergency authority provided under this subsection to conduct routine repairs, routine maintenance, or routine inspection of signal systems.'';

(4) by adding at the end the following new subsections:

''(d) COMMUNICATION DURING TIME OFF DUTY.—During a signal employee's minimum off-duty period of 10 consecutive hours, as provided under subsection (a), a railroad carrier, and its managers, supervisors, officers, and agents, shall not communicate with the signal employee by telephone, by pager, or in any other manner that could disrupt the employee's rest. Nothing in this subsection shall prohibit communication necessary to notify an employee of an emergency situation posing potential risks to the employee's safety or health.

''(e) EXCLUSIVITY.—The hours of service, duty hours, and rest periods of signal employees shall be governed exclusively by this chapter. Signal employees operating motor vehicles shall not be subject to any hours of service rules, duty hours, or rest period rules promulgated by any Federal authority, including the Federal Motor Carrier Safety Administration, other than the Federal Railroad Safety Administration.''.

(c) LIMITATION ON DUTY HOURS OF TRAIN EMPLOYEES.—Section 21103 of title 49, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

''(a) GENERAL.—Except as provided in subsection (c) of this section, a railroad carrier and its officers and agents may not require or allow a train employee to remain or go on duty—

''(1) unless that employee has had at least 10 consecutive hours off duty during the prior 24 hours;

''(2) for a period in excess of 12 consecutive hours; or

''(3) unless that employee has had at least one period of at least 24 consecutive hours off duty in the past 7 consecutive days.

The Secretary may waive paragraph (3) if a collective bargaining agreement provides a different arrangement and such arrangement provides an equivalent level of safety.'';

(2) by amending subsection (b)(4) to read as follows:

''(4)(A)(i) Except as provided in clauses (ii) and (iii), time spent in deadhead transportation to a duty assignment, time spent waiting for deadhead transportation, and time spent in deadhead transportation from a duty assignment to a place of final release is time on duty.

''(ii) Time spent waiting for deadhead transportation and time spent in deadhead transportation from a duty assignment to a place of final release is neither time on duty nor time off duty in situations involving delays in the operations of the railroad carrier, when the delays were caused by any of the following:

''(I) A casualty.

''(II) An accident.

''(III) A track obstruction.

''(IV) An act of God.

''(V) A weather event causing a delay.

''(VI) A snowstorm.

''(VII) A landslide.

''(VIII) A track or bridge washout.

''(IX) A derailment.

''(X) A major equipment failure which prevents a train from advancing.

''(XI) Other delay from a cause unknown or unforeseeable to a railroad carrier and its officers and agents in charge of the employee when the employee left a designated terminal.

''(iii) In addition to any time qualifying as neither on duty nor off duty under clause (ii), at the election of the railroad carrier, time spent waiting for deadhead transportation and time spent in deadhead transportation to the place of final release may be treated as neither time on duty nor time off duty, subject to the following limitations:

''(I) Not more than 40 hours a month may be elected by the railroad carrier, for an employee, during the period from the date of enactment of the Federal Railroad Safety Improvement Act of 2007 to one year after such date of enactment.

''(II) Not more than 30 hours a month may be elected by the railroad carrier, for an employee, during the period beginning one year after the date of enactment of the Federal Railroad Safety Improvement Act of 2007 and ending two years after such date of enactment.

''(III) Not more than 10 hours a month may be elected by the railroad carrier, for an employee, during the period beginning two years after the date of enactment of the Federal Railroad Safety Improvement Act of 2007.

''(B) Each railroad carrier shall report to the Secretary of Transportation, in accordance with procedures contained in 49 CFR 228.19, each instance within 30 days after the calendar month in which the instance occurs that a member of a train or engine crew or other employee engaged in or connected with the movement of any train, including a hostler, exceeds 12 consecutive hours, including—

''(i) time on duty; and

''(ii) time spent waiting for deadhead transportation and the time spent in deadhead transportation from a duty assignment to the place of final release, that is not time on duty.

''(C) If—

''(i) the time spent waiting for deadhead transportation, and the time spent in deadhead transportation from a duty assignment to the place of final release, that is not time on duty; plus

''(ii) the time on duty,

exceeds 12 consecutive hours, the railroad carrier and its officers and agents shall provide the train employee with additional time off duty equal to the number of hours that such sum exceeds 12 hours.''; and

(3) by adding at the end the following new subsection:

''(d) COMMUNICATION DURING TIME OFF DUTY.—During a train employee's minimum off-duty period of 10 consecutive hours, as provided under subsection (a), or during an interim period of at least 4 consecutive hours available for rest under subsection (b)(7), a railroad carrier, and its managers, supervisors, officers, and agents, shall not communicate with the train employee by telephone, by pager, or in any other manner that could disrupt the employee's rest. Nothing in this subsection shall prohibit communication necessary to notify an employee of an emergency situation posing potential risks to the employee's safety or health.''.

SEC. 202. EMPLOYEE SLEEPING QUARTERS.

Section 21106 of title 49, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''A railroad carrier''; and

(2) by adding at the end the following new subsection:

''(b) CAMP CARS.—Effective 12 months after the date of enactment of this subsection, a railroad carrier and its officers and agents may not provide sleeping quarters through the use of camp cars, as defined in Appendix C to part 228 of title 49 of the Code of Federal Regulations, for employees and any individuals employed to maintain the right of way of a railroad carrier.''.

SEC. 203. FATIGUE MANAGEMENT PLANS.

(a) AMENDMENT.—Chapter 211 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 21109. Fatigue management plans

''(a) PLAN SUBMISSION.—

''(1) REQUIREMENT.—Each railroad carrier shall submit to the Secretary of Transportation, and update at least once every 2 years, a fatigue management plan that is designed to reduce the fatigue experienced by railroad employees and to reduce the likelihood of accidents and injuries caused by fatigue. The plan shall address the safety effects of fatigue on all employees performing safety sensitive functions, including employees not covered by this chapter. The plan shall be submitted not later than 1 year after the date of the enactment of this section, or not later than 45 days prior to commencing operations, whichever is later.

''(2) CONTENTS OF PLAN.—The fatigue management plan shall—

''(A) identify and prioritize all situations that pose a risk for safety that may be affected by fatigue;

''(B) include the railroad carrier's—

''(i) rationale for including and not including each element described in subsection (b)(2) in the plan;

''(ii) analysis supporting each element included in the plan; and

''(iii) explanations for how each element in the plan will reduce the risk associated with fatigue;

''(C) describe how every condition on the railroad carrier's property, and every type of employee, that is likely to be affected by fatigue is addressed in the plan; and

''(D) include the name, title, address, and telephone number of the primary person to be contacted with regard to review of the plan.

''(3) APPROVAL.—(A) The Secretary shall review each proposed plan and approve or disapprove such plan based on whether the requirements of this section are sufficiently and appropriately addressed and the proposals are adequately justified in the plan.

''(B) If the proposed plan is not approved, the Secretary shall notify the affected railroad carrier as to the specific points in which the proposed plan is deficient, and the railroad carrier shall correct all deficiencies within 30 days following receipt of written notice from the Secretary. If a railroad carrier does not submit a plan (or, when directed by the Secretary, an amended plan), or if a railroad carrier's amended plan is not approved by the Secretary, the Secretary shall prescribe a fatigue management plan for the railroad carrier.

''(4) EMPLOYEE PARTICIPATION.—(A) Each affected railroad carrier shall consult with, and employ good faith and use its best efforts to reach agreement by consensus with, all of its directly affected employee groups on the contents of the fatigue management plan, and, except as provided in subparagraph (C), shall jointly with such groups submit the plan to the Secretary.

''(B) In the event that labor organizations represent classes or crafts of directly affected employees of the railroad carrier, the railroad carrier shall consult with these organizations in drafting the plan. The Secretary may provide technical assistance and guidance to such parties in the drafting of the plan.

''(C) If the railroad carrier and its directly affected employees (including any labor organization representing a class or craft of directly affected employees of the railroad carrier) cannot reach consensus on the proposed contents of the plan, then—

''(i) the railroad carrier shall file the plan with the Secretary; and

''(ii) directly affected employees and labor organizations representing a class or craft of directly affected employees may, at their option, file a statement with the Secretary explaining their views on the plan on which consensus was not reached.

''(b) ELEMENTS OF THE FATIGUE MANAGEMENT PLAN.—

''(1) CONSIDERATION OF VARYING CIRCUMSTANCES.—Each plan filed with the Secretary under the procedures of subsection (a) shall take into account the varying circumstances of operations by the railroad carrier on different parts of its system, and shall prescribe appropriate fatigue countermeasures to address those varying circumstances.

''(2) ISSUES AFFECTING ALL EMPLOYEES PERFORMING SAFETY SENSITIVE FUNCTIONS.—The railroad carrier shall consider the need to include in its fatigue management plan elements addressing each of the following issues:

''(A) Education and training on the physiological and human factors that affect fatigue, as well as strategies to counter fatigue, based on current and evolving scientific and medical research and literature.

''(B) Opportunities for identification, diagnosis, and treatment of any medical condition that may affect alertness or fatigue, including sleep disorders.

''(C) Effects on employee fatigue of emergency response involving both short-term emergency situations, including derailments, and long-term emergency situations, including natural disasters.

''(D) Scheduling practices involving train lineups and calling times, including work/rest cycles for shift workers and on-call employees that permit employees to compensate for cumulative sleep loss by guaranteeing a minimum number of consecutive days off (exclusive of time off due to illness or injury).

''(E) Minimizing the incidence of fatigue that occurs as a result of working at times when the natural circadian rhythm increases fatigue.

''(F) Alertness strategies, such as policies on napping, to address acute sleepiness and fatigue while an employee is on duty.

''(G) Opportunities to obtain restful sleep at lodging facilities, including sleeping quarters provided by the railroad carrier.

''(H) In connection with the scheduling of a duty call, increasing the number of consecutive hours of rest off duty, during which an employee receives no communication from the employing railroad carrier or its managers, supervisors, officers, or agents.

''(I) Avoiding abrupt changes in rest cycles for employees returning to duty after an extended absence due to circumstances such as illness or injury.

''(J) Additional elements as the Secretary considers appropriate.

''(c) COMPLIANCE AND ENFORCEMENT.—

''(1) COMPLIANCE REQUIREMENT.—Effective upon approval or prescription of a fatigue management plan, compliance with that fatigue management plan becomes mandatory and enforceable by the Secretary.

''(2) EFFECTIVE DATE.—A fatigue management plan may include effective dates later than the date of approval of the plan, and may include different effective dates for different parts of the plan.

''(3) AUDITS.—To enforce this section, the Secretary may conduct inspections and periodic audits of a railroad carrier's compliance with its fatigue management plan.

''(d) DEFINITION.—For purposes of this section the term 'directly affected employees' means employees, including employees of an independent contractor or subcontractor, to whose hours of service the terms of a fatigue management plan specifically apply.''.

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

''21109. Fatigue management plans.''.

SEC. 204. REGULATORY AUTHORITY.

(a) AMENDMENT.—Chapter 211 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 21110. Regulatory authority

''The Secretary of Transportation may by regulation—

''(1) reduce the maximum hours an employee may be required or allowed to go or remain on duty to a level less than the level established under this chapter, based on scientific and medical research; or

''(2) increase the minimum hours an employee may be required or allowed to rest to a level greater than the level established under this chapter, based on scientific and medical research.''.

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

''21110. Regulatory authority.''.

SEC. 205. CONFORMING AMENDMENT.

Section 21303(c) of title 49, United States Code, is amended by striking ''officers and agents'' and inserting ''managers, supervisors, officers, and agents''.

TITLE III—PROTECTION OF EMPLOYEES AND WITNESSES

SEC. 301. EMPLOYEE PROTECTIONS.

Section 20109 of title 49, United States Code, is amended to read as follows:

''§ 20109. Employee protections

''(a) PROTECTED ACTIONS.—A railroad carrier engaged in interstate or foreign commerce, and an officer or employee of such a railroad carrier, shall not by threat, intimidation, or otherwise attempt to prevent an employee from, or discharge, discipline, or in any way discriminate against an employee for—

''(1) filing a complaint or bringing or causing to be brought a proceeding related to the enforcement of this part or, as applicable to railroad safety, chapter 51 or 57 of this title;

''(2) testifying in a proceeding described in paragraph (1);

''(3) notifying, or attempting to notify, the railroad carrier or the Secretary of Transportation of a work-related personal injury or work-related illness of an employee;

''(4) cooperating with a safety investigation by the Secretary of Transportation or the National Transportation Safety Board;

''(5) furnishing information to the Secretary of Transportation, the National Transportation Safety Board, or any other public official as to the facts relating to any accident or incident resulting in injury or death to an individual or damage to property occurring in connection with railroad transportation; or

''(6) accurately reporting hours of duty pursuant to chapter 211.

''(b) HAZARDOUS CONDITIONS.—(1) A railroad carrier engaged in interstate or foreign commerce, and an officer or employee of such a railroad carrier, shall not by threat, intimidation, or otherwise attempt to prevent an employee from, or discharge, discipline, or in any way discriminate against an employee for—

''(A) reporting a hazardous condition;

''(B) refusing to work when confronted by a hazardous condition related to the performance of the employee's duties, if the conditions described in paragraph (2) exist; or

''(C) refusing to authorize the use of any safety-related equipment, track, or structures, if the employee is responsible for the inspection or repair of the equipment, track, or structures, when the employee believes that the equipment, track, or structures are in a hazardous condition, if the conditions described in paragraph (2) exist.

''(2) A refusal is protected under paragraph (1)(B) and (C) if—

''(A) the refusal is made in good faith and no reasonable alternative to the refusal is available to the employee;

''(B) the employee reasonably concludes that—

''(i) the hazardous condition presents an imminent danger of death or serious injury; and

''(ii) the urgency of the situation does not allow sufficient time to eliminate the danger without such refusal; and

''(C) the employee, where possible, has notified the carrier of the existence of the hazardous condition and the intention not to perform further work, or not to authorize the use of the hazardous equipment, track, or structures, unless the condition is corrected immediately or the equipment, track, or structures are repaired properly or replaced.

''(3) This subsection does not apply to security personnel employed by a railroad carrier to protect individuals and property transported by railroad.

''(c) ENFORCEMENT ACTION.—

''(1) IN GENERAL.—An employee who alleges discharge or other discrimination by any person

in violation of subsection (a) may seek relief in accordance with the provisions of this section, with any petition or other request for relief under this section to be initiated by filing a complaint with the Secretary of Labor.

''(2) PROCEDURE.—

''(A) IN GENERAL.—An action under this section shall be governed under the rules and procedures set forth in section 42121(b).

''(B) EXCEPTION.—Notification made under section 42121(b)(1) shall be made to the person named in the complaint and to the person's employer.

''(C) BURDENS OF PROOF.—An action brought under this section shall be governed by the legal burdens of proof set forth in section 42121(b).

''(D) STATUTE OF LIMITATIONS.—An action under this section shall be commenced not later than 1 year after the date on which the violation occurs.

''(3) DE NOVO REVIEW.—If the Secretary of Labor has not issued a final decision within 180 days after the filing of the complaint (or, in the event that a final order or decision is issued by the Secretary of Labor, whether within the 180-day period or thereafter, then, not later than 90 days after such an order or decision is issued), the employee may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

''(d) REMEDIES.—

''(1) IN GENERAL.—An employee prevailing in any action under this section shall be entitled to all relief necessary to make the covered individual whole.

''(2) DAMAGES.—Relief in an action under this section shall include—

''(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

''(B) the amount of any back pay, with interest; and

''(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

''(3) POSSIBLE RELIEF.—Relief may also include punitive damages in an amount not to exceed 10 times the amount of any compensatory damages awarded under this section.

''(e) CRIMINAL PENALTIES.—

''(1) IN GENERAL.—It shall be unlawful for any railroad carrier to commit an act prohibited by subsection (a). Any person who willfully violates this section by terminating or retaliating against any such covered individual who makes a claim under this section shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

''(2) REPORTING REQUIREMENT.—

''(A) IN GENERAL.—The Attorney General shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate an annual report on the enforcement of paragraph (1).

''(B) CONTENTS.—Each such report shall—

''(i) identify each case in which formal charges under paragraph (1) were brought;

''(ii) describe the status or disposition of each such case; and

''(iii) in any actions under subsection (c)(1) in which the employee was the prevailing party or the substantially prevailing party, indicate whether or not any formal charges under paragraph (1) of this subsection have been brought and, if not, the reasons therefor.

''(f) NO PREEMPTION.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

''(g) RIGHTS RETAINED BY COVERED INDIVIDUAL.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.''.

TITLE IV—GRADE CROSSINGS

SEC. 401. TOLL-FREE NUMBER TO REPORT GRADE CROSSING PROBLEMS.

Section 20152 of title 49, United States Code, is amended to read as follows:

''§ 20152. Emergency notification of grade crossing problems

''Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall require each railroad carrier to—

''(1) establish and maintain a toll-free telephone service, for rights-of-way over which it dispatches trains, to directly receive calls reporting—

''(A) malfunctions of signals, crossing gates, and other devices to promote safety at the grade crossing of railroad tracks on those rights-of-way and public or private roads; and

''(B) disabled vehicles blocking railroad tracks at such grade crossings;

''(2) upon receiving a report of a malfunction or disabled vehicle pursuant to paragraph (1), immediately contact trains operating near the grade crossing to warn them of the malfunction or disabled vehicle;

''(3) upon receiving a report of a malfunction or disabled vehicle pursuant to paragraph (1), and after contacting trains pursuant to paragraph (2), contact, as necessary, appropriate public safety officials having jurisdiction over the grade crossing to provide them with the information necessary for them to direct traffic, assist in the removal of the disabled vehicle, or carry out other activities appropriate to responding to the hazardous circumstance; and

''(4) ensure the placement at each grade crossing on rights-of-way that it owns of appropriately located signs, on which shall appear, at a minimum—

''(A) a toll-free telephone number to be used for placing calls described in paragraph (1) to the railroad carrier dispatching trains on that right-of-way;

''(B) an explanation of the purpose of that toll-free number as described in paragraph (1); and

''(C) the grade crossing number assigned for that crossing by the National Highway-Rail Crossing Inventory established by the Department of Transportation.

The Secretary of Transportation shall implement this section through appropriate regulations.''.

SEC. 402. ROADWAY USER SIGHT DISTANCE AT HIGHWAY-RAIL GRADE CROSSINGS.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 20156. Roadway user sight distance at highway-rail grade crossings

''(a) IN GENERAL.—Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations that require each railroad carrier to remove from its rights-of-way at all public highway-rail grade crossings, and at all private highway-rail grade crossings open to unrestricted public access (as declared in writing by the holder of the crossing right), grass, brush, shrubbery, trees, and other vegetation which may obstruct the view of a pedestrian or a vehicle operator for a reasonable distance in either direction of the train's approach, and to maintain its rights-of-way at all such crossings free of such vegetation. In prescribing the regulations, the Secretary shall take into consideration to the extent practicable—

''(1) the type of warning device or warning devices installed at the crossing;

''(2) factors affecting the timeliness and effectiveness of roadway user decisionmaking, including the maximum allowable roadway speed, maximum authorized train speed, angle of intersection, and topography;

''(3) the presence or absence of other sight distance obstructions off the railroad right-of-way; and

''(4) any other factors affecting safety at such crossings.

''(b) PROTECTED VEGETATION.—In promulgating regulations pursuant to this section, the Secretary may make allowance for preservation of trees and other ornamental or protective growth where State or local law or policy would otherwise protect the vegetation from removal and where the roadway authority or private crossing holder is notified of the sight distance obstruction and, within a reasonable period specified by the regulation, takes appropriate temporary and permanent action to abate the hazard to roadway users (such as by closing the crossing, posting supplementary signage, installing active warning devices, lowering roadway speed, or installing traffic calming devices).

''(c) NO PREEMPTION.—Notwithstanding section 20106, subsections (a) and (b) of this section do not prohibit a State from continuing in force, or from enacting, a law, regulation, or order requiring the removal of obstructive vegetation from a railroad right-of-way for safety reasons that is more stringent than the requirements of the regulations prescribed pursuant to this section.

''(d) MODEL LEGISLATION.—Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary, after consultation with the Federal Railroad Safety Administration, the Federal Highway Administration, and States, shall develop and make available to States model legislation providing for improving safety by addressing sight obstructions at highway-rail grade crossings that are equipped solely with passive warnings, such as permanent structures, temporary structures, and standing railroad equipment, as recommended by the Inspector General of the Department of Transportation in Report No. MH–2007–044.''.

(b) CONFORMING AMENDMENT.—The table of sections for such subchapter II of chapter 201 is amended by inserting after the item relating to section 20155 the following new item:

''20156. Roadway user sight distance at highway-rail grade crossings.''.

SEC. 403. GRADE CROSSING SIGNAL VIOLATIONS.

(a) AMENDMENTS.—Section 20151 of title 49, United States Code, is amended—

(1) by amending the section heading to read as follows:

''§ 20151. Railroad trespassing, vandalism, and signal violation prevention strategy'';

(2) in subsection (a)—

(A) by striking ''and vandalism affecting railroad safety'' and inserting in lieu thereof '', vandalism affecting railroad safety, and violations of grade crossing signals'';

(B) by inserting '', concerning trespassing and vandalism,'' after ''such evaluation and review''; and

(C) by inserting ''The second such evaluation and review, concerning violations of grade crossing signals, shall be completed before April 1, 2008.'' after ''November 2, 1994.'';

(3) in the subsection heading of subsection (b), by inserting ''FOR TRESPASSING AND VANDALISM PREVENTION'' after ''OUTREACH PROGRAM'';

(4) in subsection (c)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting ''(1)'' after ''MODEL LEGISLATION.—''; and

(C) by adding at the end the following new paragraph:

''(2) Within 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary, after consultation with State and local governments, railroad carriers, and rail labor organizations, shall develop and make available to State and local governments model State legislation providing for civil or criminal penalties, or both, for violations of grade crossing signals.''; and

(5) by adding at the end the following new subsection:

''(d) DEFINITION.—For purposes of this section, the term 'violation of grade crossing signals' includes any action by a motorist, unless directed by an authorized safety officer—

''(1) to drive around a grade crossing gate in a position intended to block passage over railroad tracks;

''(2) to drive through a flashing grade crossing signal;

''(3) to drive through a grade crossing with passive warning signs without ensuring that the grade crossing could be safely crossed before any train arrived; and

''(4) in the vicinity of a grade crossing, that creates a hazard of an accident involving injury or property damage at the grade crossing.''.

(b) CONFORMING AMENDMENT.—The item relating to section 20151 in the table of sections for subchapter II of chapter 201 of title 49, United States Code, is amended to read as follows:

''20151. Railroad trespassing, vandalism, and signal violation prevention strategy.''.

SEC. 404. NATIONAL CROSSING INVENTORY.

(a) IN GENERAL.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 20157. National crossing inventory

''(a) INITIAL REPORTING OF INFORMATION ABOUT PREVIOUSLY UNREPORTED CROSSINGS.—Not later than 1 year after the date of enactment of the Federal Railroad Safety Improvement Act of 2007 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 previously unreported crossing through 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 3 years after the date of enactment of the Federal Railroad Safety Improvement Act of 2007 and on or before September 30 of every third 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; 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 Federal Railroad Safety Improvement Act of 2007 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 Federal Railroad Safety Improvement Act of 2007, 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 dedicated for the use of non-vehicular 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.''.

(b) CONFORMING AMENDMENT.—The table of sections for such subchapter II of chapter 201 is amended by adding at the end the following new item:

''20157. National crossing inventory.''.

(c) REPORTING AND UPDATING.—Section 130 of title 23, United States Code, is amended by adding at the end the following:

''(l) NATIONAL CROSSING INVENTORY.—

''(1) INITIAL REPORTING OF CROSSING INFORMATION.—Not later than 1 year after the date of enactment of the Federal Railroad Safety Improvement Act of 2007 or within 6 months of a new crossing becoming operational, whichever occurs later, each State shall report to the Secretary of Transportation current information, including information about warning devices and signage, as specified by the Secretary, concerning each previously unreported crossing located within its borders.

''(2) PERIODIC UPDATING OF CROSSING INFORMATION.—On a periodic basis beginning not later than 3 years after the date of enactment of the Federal Railroad Safety Improvement Act of 2007 and on or before September 30 of every third year thereafter, or as otherwise specified by the Secretary, each State shall report to the Secretary current information, including information about warning devices and signage, as specified by the Secretary, concerning each crossing located within its borders.

''(3) RULEMAKING AUTHORITY.—The Secretary shall prescribe the regulations necessary to implement this subsection. The Secretary may enforce each provision of the Department of Transportation's statement of the national highway-rail crossing inventory policy, procedures, and instructions for States and railroads that is in effect on the date of enactment of the Federal Railroad Safety Improvement Act of 2007, until such provision is superseded by a regulation issued under this subsection.

''(4) DEFINITIONS.—In this subsection, the terms 'crossing' and 'State' have the meaning given those terms by section 20157(d)(1) and (2), respectively, of title 49.''.

(d) CIVIL PENALTIES.—(1) Section 21301(a)(1) of title 49, United States Code, is amended—

(A) by inserting ''with section 20157 or'' after ''comply'' in the first sentence; and

(B) by inserting ''section 20157 of this title or'' after ''violating'' in the second sentence.

(2) Section 21301(a)(2) of title 49, United States Code, is amended by inserting ''The Secretary shall impose a civil penalty for a violation of section 20157 of this title.'' after the first sentence.

SEC. 405. ACCIDENT AND INCIDENT REPORTING.

The Federal Railroad Safety Administration shall conduct an audit of each Class I railroad at least once every 2 years and conduct an audit of each non-Class I railroad at least once every 5 years to ensure that all grade crossing collisions and fatalities are reported to the national accident database.

SEC. 406. AUTHORITY TO BUY PROMOTIONAL ITEMS TO IMPROVE RAILROAD CROSSING SAFETY AND PREVENT RAILROAD TRESPASS.

Section 20134(a) of title 49, United States Code, is amended by adding at the end the following: ''The Secretary may purchase promotional items of nominal value and distribute them to the public without charge as part of an educational or awareness program to accomplish the purposes of this section and of any other sections of this title related to improving the safety of highway-rail crossings and to prevent trespass on railroad rights of way, and the Secretary shall prescribe guidelines for the administration of this authority.''.

SEC. 407. OPERATION LIFESAVER.

(a) GRANT.—The Federal Railroad Safety Administration shall make a grant or grants to Operation Lifesaver to carry out a public information and education program to help prevent and reduce pedestrian, bicycle, motor vehicle, and other incidents, injuries, and fatalities, and to improve awareness along railroad rights-of-way and at highway-rail grade crossings. This includes development, placement, and dissemination of Public Service Announcements in newspaper, radio, television, and other media. It will also include school presentations, brochures and materials, support for public awareness campaigns, and related support for the activities of Operation Lifesaver's member organizations.

(b) PILOT PROGRAM.—Funds provided under subsection (a) may also be used by Operation Lifesaver to implement a pilot program, to be known as the Railroad Safety Public Awareness Program, that addresses the need for targeted, sustained community outreach on the subjects described in subsection (a). Such pilot program shall be established in States and communities where risk is greatest, in terms of the number of crashes and population density near the railroad, including residences, businesses, and schools. Such pilot program shall be carried out through grants to Operation Lifesaver for work with community leaders, school districts, and public and private partners to identify the communities at greatest risk, and through development of an implementation plan. An evaluation component requirement shall be included in the grant to measure results.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Railroad Safety Administration for carrying out this section $1,500,000 for each of the fiscal years 2008 through 2011.

SEC. 408. STATE ACTION PLAN.

(a) IN GENERAL.—The Secretary shall identify on an annual basis the top 10 States that have had the most highway-rail grade crossing collisions over the past year. The Secretary shall work with each of these States to develop a State Grade Crossing Action Plan that identifies specific solutions for improving safety at crossings, particularly at crossings that have experienced multiple accidents.

(b) REVIEW AND APPROVAL.—Not later than 60 days after the Secretary receives a plan under subsection (a), the Secretary shall review and approve or disapprove it. If the proposed plan is not approved, the Secretary shall notify the affected State as to the specific points in which the proposed plan is deficient, and the State shall correct all deficiencies within 30 days following receipt of written notice from the Secretary.

SEC. 409. FOSTERING INTRODUCTION OF NEW TECHNOLOGY TO IMPROVE SAFETY AT HIGHWAY-RAIL GRADE CROSSINGS.

(a) AMENDMENT.—Chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following:

''§ 20165. 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 and serious personal injury and also threaten the safety of rail transportation.

''(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 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 supporting Intelligent Transportation Systems 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 Safety Administration regulations establishing performance standards for processor-based signal and train control systems provide a suitable framework for qualification of new or novel technology at highway-rail grade crossings, and the Federal Highway Administration's Manual on Uniform Traffic Control Devices provides an appropriate means of determining highway user interface with such new technology.

''(b) POLICY.—It is the policy of the United States to encourage the development of new technology that can prevent loss of life and injuries at highway-rail grade crossings. The Secretary of Transportation is designated to carry out this policy in consultation with States and necessary public and private entities.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections for chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new item:

''20165. Fostering introduction of new technology to improve safety at highway-rail grade crossings.''.

TITLE V—ENFORCEMENT

SEC. 501. ENFORCEMENT.

Section 20112(a) of title 49, United States Code, is amended—

(1) by inserting ''this part or'' in paragraph (1) after ''enforce,'';

(2) by striking ''21301'' in paragraph (2) and inserting ''21301, 21302, or 21303'';

(3) by striking ''subpena'' in paragraph (3) and inserting ''subpoena, request for admissions, request for production of documents or other tangible things, or request for testimony by deposition''; and

(4) by striking ''chapter.'' in paragraph (3) and inserting ''part.''.

SEC. 502. CIVIL PENALTIES.

(a) GENERAL VIOLATIONS OF CHAPTER 201.—Section 21301(a)(2) of title 49, United States Code, is amended—

(1) by striking ''$10,000'' and inserting ''$25,000''; and

(2) by striking ''$20,000'' and inserting ''$100,000''.

(b) ACCIDENT AND INCIDENT VIOLATIONS OF CHAPTER 201; VIOLATIONS OF CHAPTERS 203 THROUGH 209.—Section 21302(a)(2) of title 49, United States Code, is amended—

(1) by striking ''$10,000'' and inserting ''$25,000''; and

(2) by striking ''$20,000'' and inserting ''$100,000''.

(c) VIOLATIONS OF CHAPTER 211.—Section 21303(a)(2) of title 49, United States Code, is amended—

(1) by striking ''$10,000'' and inserting ''$25,000''; and

(2) by striking ''$20,000'' and inserting ''$100,000''.

SEC. 503. CRIMINAL PENALTIES.

Section 21311(b) of title 49, United States Code, is amended by striking ''$500'' both places it appears and inserting ''$2,500''.

SEC. 504. EXPANSION OF EMERGENCY ORDER AUTHORITY.

Section 20104(a)(1) of title 49, United States Code, is amended by striking ''death or personal injury'' and inserting ''death, personal injury, or significant harm to the environment''.

SEC. 505. ENFORCEMENT TRANSPARENCY.

(a) AMENDMENT.—Subchapter I of chapter 201 of title 49, United States Code, is amended by adding at the end the following:

''§ 20118. Enforcement transparency

''(a) IN GENERAL.—Not later than December 31, 2007, the Secretary of Transportation shall—

''(1) provide a monthly updated summary to the public of all railroad enforcement actions taken by the Secretary or the Federal Railroad Safety Administration, from the time a notice commencing an enforcement action is issued until the enforcement action is final;

''(2) include in each such summary identification of the railroad carrier or person involved in the enforcement activity, the type of alleged violation, the penalty or penalties proposed, any changes in case status since the previous summary, the final assessment amount of each penalty, and the reasons for a reduction in the proposed penalty, if appropriate; and

''(3) provide a mechanism by which a railroad carrier or person named in an enforcement action may make information, explanations, or documents it believes are responsive to the enforcement action available to the public.

''(b) ELECTRONIC AVAILABILITY.—Each summary under this section shall be made available to the public by electronic means.

''(c) RELATIONSHIP TO FOIA.—Nothing in this section shall be construed to require disclosure of information or records that are exempt from disclosure under section 552 of title 5.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter I of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

''20118. Enforcement transparency.''.

SEC. 506. INTERFERING WITH OR HAMPERING SAFETY INVESTIGATIONS.

(a) AMENDMENT.—Subchapter II of chapter 213 of title 49, United States Code, is amended by adding at the end the following new section:

''§ 21312. Interfering with or hampering safety investigations

''(a) IN GENERAL.—It shall be unlawful for any person knowingly to interfere with, obstruct, or hamper an investigation by the Secretary of Transportation conducted under section 20703 or 20902 of this title, or a railroad investigation by the National Transportation Safety Board under chapter 11 of this title.

''(b) INTIMIDATION AND HARASSMENT.—It shall be unlawful for any person, with regard to an investigation conducted by the Secretary under section 20703 or 20902 of this title, or a railroad investigation by the National Transportation Safety Board under chapter 11 of this title, knowingly or intentionally to use intimidation, harassment, threats, or physical force toward another person, or corruptly persuade another person, or attempt to do so, or engage in misleading conduct toward another person, with the intent or effect of—

''(1) influencing the testimony or statement of any person;

''(2) hindering, delaying, preventing, or dissuading any person from—

''(A) attending a proceeding or interview with, testifying before, or providing a written statement to, a National Transportation Safety Board railroad investigator, a Federal railroad safety inspector or State railroad safety inspector, or their superiors;

''(B) communicating or reporting to a National Transportation Safety Board railroad investigator, a Federal railroad safety inspector, or a State railroad safety inspector, or their superiors, information relating to the commission or possible commission of one or more violations of this part or of chapter 51 of this title; or

''(C) recommending or using any legal remedy available to the Secretary under this title; or

''(3) causing or inducing any person to—

''(A) withhold testimony, or a statement, record, document, or other object, from the investigation;

''(B) alter, destroy, mutilate, or conceal a statement, record, document, or other object with intent to impair the integrity or availability of the statement, record, document, or other object for use in the investigation;

''(C) evade legal process summoning that person to appear as a witness, or to produce a statement, record, document, or other object, in the investigation; or

''(D) be absent from an investigation to which such person has been summoned by legal process.

''(c) ELEMENTS OF VIOLATION.—(1) For the purposes of this section, the testimony or statement, or the record, document, or other object, need not be admissible in evidence or free from a claim of privilege.

''(2) In a prosecution for an offense under this section, no state of mind need be proved with respect to the circumstance that the investigation is being conducted by the Secretary under section 20703 or 20902 of this title or by the National Transportation Safety Board under chapter 11 of this title.

''(d) CRIMINAL PENALTIES.—A person violating this section shall be fined under title 18, imprisoned for not more than 1 year, or both.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 213 of title 49, United States Code, is amended by adding at the end the following new item:

''21312. Interfering with or hampering safety investigations.''.

SEC. 507. RAILROAD RADIO MONITORING AUTHORITY.

Section 20107 of title 49, United States Code, is amended by inserting at the end the following:

''(c) RAILROAD RADIO COMMUNICATIONS.—

''(1) IN GENERAL.—To carry out the Secretary's responsibilities under this part and under chapter 51, the Secretary may authorize officers, employees, or agents of the Secretary to conduct the following activities in circumstances the Secretary finds to be reasonable:

''(A) Intercepting a radio communication, with or without the consent of the sender or other receivers of the communication, but only where such communication is broadcast or transmitted over a radio frequency which is—

''(i) authorized for use by one or more railroad carriers by the Federal Communications Commission; and

''(ii) primarily used by such railroad carriers for communications in connection with railroad operations.

''(B) Communicating the existence, contents, substance, purport, effect, or meaning of the communication, subject to the restrictions in paragraph (3).

''(C) Receiving or assisting in receiving the communication (or any information therein contained).

''(D) Disclosing the contents, substance, purport, effect, or meaning of the communication

(or any part thereof of such communication) or using the communication (or any information contained therein), subject to the restrictions in paragraph (3), after having received the communication or acquired knowledge of the contents, substance, purport, effect, or meaning of the communication (or any part thereof).

''(E) Recording the communication by any means, including writing and tape recording.

''(2) ACCIDENT PREVENTION AND ACCIDENT INVESTIGATION.—The Secretary, and officers, employees, and agents of the Department of Transportation authorized by the Secretary, may engage in the activities authorized by paragraph (1) for the purpose of accident prevention and accident investigation.

''(3) USE OF INFORMATION.—(A) Information obtained through activities authorized by paragraphs (1) and (2) shall not be admitted into evidence in any administrative or judicial proceeding except—

''(i) in a prosecution of a felony under Federal or State criminal law; or

''(ii) to impeach evidence offered by a party other than the Federal Government regarding the existence, electronic characteristics, content, substance, purport, effect, meaning, or timing of, or identity of parties to, a communication intercepted pursuant to paragraphs (1) and (2) in proceedings pursuant to section 5122, 5123, 20702(b), 20111, 20112, 20113, or 20114 of this title.

''(B) If information obtained through activities set forth in paragraphs (1) and (2) is admitted into evidence for impeachment purposes in accordance with subparagraph (A), the court, administrative law judge, or other officer before whom the proceeding is conducted may make such protective orders regarding the confidentiality or use of the information as may be appropriate in the circumstances to protect privacy and administer justice.

''(C) No evidence shall be excluded in an administrative or judicial proceeding solely because the government would not have learned of the existence of or obtained such evidence but for the interception of information that is not admissible in such proceeding under subparagraph (A).

''(D) Information obtained through activities set forth in paragraphs (1) and (2) shall not be subject to publication or disclosure, or search or review in connection therewith, under section 552 of title 5.

''(E) Nothing in this subsection shall be construed to impair or otherwise affect the authority of the United States to intercept a communication, and collect, retain, analyze, use, and disseminate the information obtained thereby, under a provision of law other than this subsection.

''(4) APPLICATION WITH OTHER LAW.—Section 705 of the Communications Act of 1934 (47 U.S.C. 605) and chapter 119 of title 18 shall not apply to conduct authorized by and pursuant to this subsection.''.

SEC. 508. INSPECTOR STAFFING.

The Secretary shall increase the total number of positions for railroad safety inspection and enforcement personnel at the Federal Railroad Safety Administration so that by December 31, 2008, the total number of such positions is at least 500, by December 31, 2009, the total number of such positions is at least 600, by December 31, 2010, the total number of such positions is at least 700, and by December 31, 2011, the total number of positions is at least 800.

TITLE VI—MISCELLANEOUS PROVISIONS

SEC. 601. POSITIVE TRAIN CONTROL SYSTEMS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, each Class I railroad carrier shall develop and submit to the Secretary a plan for implementing a positive train control system by December 31, 2014, that will minimize the risk of train collisions and over-speed derailments, provide protection to maintenance-of-way workers within established work zone limits, and minimize the risk of the movement of a train through a switch left in the wrong position.

(b) SAFETY REDUNDANCY.—The positive train control system required under subsection (a) shall provide a safety redundancy to minimize the risk of accidents by overriding human performance failures involving train movements on main line tracks.

(c) CONTENTS OF PLAN.—The Secretary may provide technical assistance and guidance to railroad carriers in developing the plans required under subsection (a), and shall require that each railroad carrier include in the plan, at a minimum—

(1) measurable goals, including a strategy and timeline for implementation of such systems;

(2) a prioritization of how the systems will be implemented, with particular emphasis on high-risk corridors such as those that have significant movements of hazardous materials or where commuter and intercity passenger railroads operate;

(3) identification of detailed steps the carriers will take to implement the systems; and

(4) any other element the Secretary considers appropriate.

(d) REVIEW AND APPROVAL.—Not later than 90 days after the Secretary receives a plan, the Secretary shall review and approve it. If the proposed plan is not approved, the Secretary shall notify the affected railroad carrier as to the specific points in which the proposed plan is deficient, and the railroad carrier shall correct all deficiencies within 30 days following receipt of written notice from the Secretary. The Secretary shall annually conduct a review to ensure that the railroads are complying with their plans.

(e) REPORT.—Not later than December 31, 2011, the Secretary shall transmit a report to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate on the progress of the railroad carriers in implementing such positive train control systems.

(f) AUTHORITY TO EXTEND DEADLINE.—The Secretary may extend the date for implementation required under subsection (a) for any Class I railroad carrier for a period of not more than 24 months if the Secretary determines such an extension is necessary—

(1) to implement a more effective positive train control system than would be possible under the date established in subsection (a);

(2) to obtain interoperability between positive train control systems implemented by railroad carriers;

(3) for the Secretary to determine that a positive train control system meets the requirements of this section and regulations issued by the Secretary; or

(4) to otherwise enhance safety.

(g) CERTIFICATION.—The Secretary shall not permit the installation of any positive train control system or component unless the Secretary has certified that such system or component has not experienced a safety-critical failure during prior testing and evaluation. If such a failure has occurred, the system or component may be repaired and evaluated in accordance with part 236 of title 49 of the Code of Federal Regulations and may be installed when the Secretary certifies that the factors causing the failure have been corrected and approves the system for installation in accordance with such part 236.

(h) NOTICE.—Not later than 30 days after the Secretary grants an extension under subsection (f), the Secretary shall publish a notice in the Federal Register that identifies the Class I railroad carrier that is being granted the extension, the reasons for granting the extension, and the length of the extension.

SEC. 602. WARNING IN NONSIGNALED TERRITORY.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 20158. Warning in nonsignaled territory

''Not later than 12 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations that require railroads, with respect to main lines in nonsignaled territory without a train speed enforcement system that would stop a train in advance of a misaligned switch, to either—

''(1) install an automatically activated device, in addition to the switch banner, that will, visually or electronically, compellingly capture the attention of the employees involved with switch operations and clearly convey the status of the switch both in daylight and darkness; or

''(2) operate trains at speeds that will allow them to be safely stopped in advance of misaligned switches.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

''20158. Warning in nonsignaled territory.''.

SEC. 603. TRACK SAFETY.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 20159. Track safety

''(a) RAIL INTEGRITY.—Not later than 12 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations to require railroad carriers to manage the rail in their tracks so as to minimize accidents due to internal rail flaws. The regulations shall, at a minimum—

''(1) require railroad carriers to conduct ultrasonic or other appropriate inspections to ensure that rail used to replace defective segments of existing rail is free from internal defects;

''(2) require railroad carriers to perform rail integrity inspections to manage an annual service failure rate of less than .1 per track mile on high-risk corridors such as those that have significant movements of hazardous materials or where commuter and intercity passenger railroads operate; and

''(3) encourage railroad carrier use of advanced rail defect inspection equipment and similar technologies as part of a comprehensive rail inspection program.

''(b) CONCRETE CROSSTIES.—Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary shall develop and implement regulations for all classes of track for concrete crossties that address, at a minimum—

''(1) limits for rail seat abrasion;

''(2) concrete crosstie pad wear limits;

''(3) missing or broken rail fasteners;

''(4) loss of appropriate toeload pressure;

''(5) improper fastener configurations; and

''(6) excessive lateral rail movement.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

''20159. Track safety.''.

SEC. 604. CERTIFICATION OF CONDUCTORS.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 20160. Certification of conductors

''(a) REGULATIONS.—Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations and issue orders to establish a program requiring the certification of train conductors. In prescribing such regulations, the Secretary shall require that conductors on passenger trains be trained in security, first aid, and emergency preparedness.

''(b) PROGRAM DESIGN.—The program established under this section shall be designed based on the requirements of section 20135(b) through (e).''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

''20160. Certification of conductors.''.

SEC. 605. MINIMUM TRAINING STANDARDS.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 20161. Minimum training standards

''The Secretary of Transportation shall, not later than 180 days after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, establish—

''(1) minimum training standards for each class and craft of railroad employees, which shall require railroad carriers to qualify or otherwise document the proficiency of their employees in each class and craft regarding their knowledge of, and ability to comply with, Federal railroad safety laws and regulations and railroad carrier rules and procedures promulgated to implement those Federal railroad safety laws and regulations;

''(2) a requirement for railroad carriers to submit their training and qualification programs to the Federal Railroad Safety Administration for approval; and

''(3) a minimum training curriculum, and ongoing training criteria, testing, and skills evaluation measures to ensure that railroad employees charged with the inspection of track or railroad equipment are qualified to assess railroad compliance with Federal standards to identify defective conditions and initiate immediate remedial action to correct critical safety defects that are known to contribute to derailments, accidents, or injury. In implementing the requirements of this paragraph, the Secretary shall take into consideration existing training programs of railroad carriers.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

''20161. Minimum training standards.''.

SEC. 606. PROMPT MEDICAL ATTENTION.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 20162. Prompt medical attention

''(a) PROHIBITION.—A railroad or person covered under this title shall not deny, delay, or interfere with the medical or first aid treatment of an employee who is injured during the course of employment. If transportation to a hospital is requested by an employee who is injured during the course of employment, the railroad shall promptly arrange to have the injured employee transported to the nearest medically appropriate hospital.

''(b) DISCIPLINE.—A railroad or person covered under this title shall not discipline, or threaten discipline to, an employee for requesting medical or first aid treatment, or for following orders or a treatment plan of a treating physician. For purposes of this subsection, discipline means to bring charges against a person in a disciplinary proceeding, suspend, terminate, place on probation, or make note of reprimand on an employee's record.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

''20162. Prompt medical attention.''.

SEC. 607. EMERGENCY ESCAPE BREATHING APPARATUS.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 20163. Emergency escape breathing apparatus

''Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations that require railroads to—

''(1) provide emergency escape breathing apparatus for all crewmembers on freight trains carrying hazardous materials that would pose an inhalation hazard in the event of release; and

''(2) provide their crewmembers with appropriate training for using the breathing apparatus.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

''20163. Emergency escape breathing apparatus.''.

SEC. 608. LOCOMOTIVE CAB ENVIRONMENT.

Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the effects of the locomotive cab environment on the safety, health, and performance of train crews.

SEC. 609. TUNNEL INFORMATION.

Not later than 120 days after the date of enactment of this Act, each railroad carrier (as defined in section 20102 of title 49, United States Code) shall, with respect to each of its tunnels which—

(1) are longer than 1000 feet and located under a city with a population of 400,000 or greater; or

(2) carry 5 or more scheduled passenger trains per day, or 500 or more carloads of Toxic Inhalation Hazardous materials per year,

maintain for at least two years historical documentation of structural inspection and maintenance activities for such tunnels, including information on the methods of ingress and egress into and out of the tunnel, the types of cargos typically transported through the tunnel, and schematics or blueprints for the tunnel, when available. Upon request, a railroad carrier shall also provide periodic briefings to the government of the local jurisdiction in which the tunnel is located, including updates whenever a repair or rehabilitation project substantially alters the methods of ingress and egress. Such governments shall use appropriate means to protect and restrict the distribution of any security sensitive information provided by the railroad carrier under this section, consistent with national security interests.

SEC. 610. RAILROAD POLICE.

Section 28101 of title 49, United States Code, is amended by striking ''the rail carrier'' each place it appears and inserting ''any rail carrier''.

SEC. 611. MUSEUM LOCOMOTIVE STUDY.

(a) STUDY.—The Secretary of Transportation shall conduct a study of its regulations relating to safety inspections of diesel-electric locomotives and equipment and the safety consequences of requiring less frequent inspections of such locomotives which are operated by museums, including annual inspections or inspections based on accumulated operating hours. The study shall include an analysis of the safety consequences of requiring less frequent air brake inspections of such locomotives.

(b) REPORT.—Not later than 12 months after the date of enactment of this Act, the Secretary of Transportation shall transmit a report on the results of the study conducted under subsection (a) to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

SEC. 612. CERTIFICATION OF CARMEN.

(a) AMENDMENT.—Subchapter II of chapter 201 of title 49, United States Code, as amended by this Act, is further amended by adding at the end the following new section:

''§ 20164. Certification of carmen

''(a) REGULATIONS.—Not later than 18 months after the date of enactment of the Federal Railroad Safety Improvement Act of 2007, the Secretary of Transportation shall prescribe regulations and issue orders to establish a program requiring the certification of carmen, including all employees performing mechanical inspections, brake system inspections, or maintenance on freight and passenger rail cars.

''(b) PROGRAM DESIGN.—The program established under this section shall be designed by the Secretary of Transportation based on the requirements of parts 215, 221, 231, 232, and 238 of title 49 of the Code of Federal Regulations.''.

(b) TABLE OF SECTIONS AMENDMENT.—The table of sections of subchapter II of chapter 201 of title 49, United States Code, is amended by adding at the end the following new item:

''20164. Certification of carmen.''.

SEC. 613. TRAIN CONTROL SYSTEMS DEPLOYMENT GRANTS.

(a) GRANT PROGRAM.—The Secretary of Transportation shall establish a grant program for the deployment of train control and component technologies, including—

(1) communications-based train control systems designed to prevent train movement authority violations, over-speed violations, and train collision accidents caused by noncompliance with authorities as well as to provide additional protections to roadway workers and protect against open switches in nonsignal territories;

(2) remote control power switch technology;

(3) switch point monitoring technology; and

(4) track integrity circuit technology.

(b) GRANT CRITERIA.—

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

(2) IMPLEMENTATION PLAN.—An applicant for a grant made pursuant to this section shall file with the Secretary a train control implementation plan that shall describe the overall safety and efficiency benefits of installing systems described in subsection (a) and the stages for implementing such systems.

(3) CONSIDERATION.—The Secretary shall give priority consideration to applications that benefit both passenger and freight safety and efficiency, or incentivize train control technology deployment on high-risk corridors such as those that have significant movements of hazardous materials or where commuter and intercity passenger railroads operate.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2008 through 2011 to carry out this section.

(2) Amounts made available pursuant to this subsection shall remain available until expended.

SEC. 614. INFRASTRUCTURE SAFETY INVESTMENT REPORTS.

Not later than February 15th of each year, each Class I railroad shall file a report with both the Federal Railroad Safety Administration and the Surface Transportation Board detailing, by State, the infrastructure investments and maintenance they have performed on their system, including but not limited to track, locomotives, railcars, and grade crossings, in the previous calendar year to ensure the safe movement of freight, and their plans for such investments and maintenance in the current calendar year. Such reports shall be publicly available, and any interested party may file comments

about the reports, which also shall be made public.

SEC. 615. EMERGENCY GRADE CROSSING SAFETY IMPROVEMENTS.

(a) ESTABLISHMENT OF PROGRAM.—The Secretary of Transportation shall establish a grant program to provide for emergency grade crossing safety improvements, including the installation, repair, or improvement of—

(1) railroad crossing signals, gates, and related technologies, including median barriers and four quadrant gates;

(2) highway traffic signalization, including highway signals tied to railroad signal systems;

(3) highway lighting and crossing approach signage;

(4) roadway improvements, including railroad crossing panels and surfaces; and

(5) related work to mitigate dangerous conditions.

(b) GRANT CRITERIA.—

(1) ELIGIBILITY.—The Secretary may make grants to State and local governments under this section to provide emergency grade crossing safety improvements at a location where there has been a railroad grade crossing collision with a school bus, or collision involving three or more serious bodily injuries or fatalities.

(2) MAXIMUM AMOUNT.—Grants awarded under paragraph (1) shall not exceed $250,000 per crossing.

(3) NO STATE OR LOCAL SHARE.—The Secretary shall not require the contribution of a State or local share as a condition of the grant.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary such sums as may be necessary for each of fiscal years 2008 through 2011 to carry out this section. Amounts made available under this subsection shall remain available until expended.

SEC. 616. CLARIFICATIONS REGARDING STATE LAW CAUSES OF ACTION.

Section 20106 of title 49, United States Code, is amended—

(1) by inserting ''(a) IN GENERAL.—'' before ''Laws, regulations''; and

(2) by inserting at the end the following new subsection:

''(b) CLARIFICATIONS REGARDING STATE LAW CAUSES OF ACTION.—

''(1) IN GENERAL.—Nothing in this section shall be construed to preempt an action under State law seeking damages for personal injury, death, or property damage alleging that a party has violated the Federal standard of care established by a regulation or order issued by the Secretary of Transportation (with respect to railroad safety matters), or the Secretary of Homeland Security (with respect to the railroad security matters) covering the subject matter as provided in subsection (a) of this section. This includes actions under State law for a party's violation of or failure to adequately comply with its own plan, rule, or standard that it created pursuant to a regulation or order issued by either of the Secretaries or for a party's failure to adequately comply with a law, regulation, or order issued by either of the Secretaries. Actions under State law for a violation of a State law, regulation, or order that is not inconsistent with subsection (a)(2) are also not preempted.

''(2) RETROACTIVITY.—This subsection shall apply to all pending State law causes of action arising from events or activities occurring on or after January 18, 2002.''.

TITLE VII—RAIL PASSENGER DISASTER FAMILY ASSISTANCE

SEC. 701. SHORT TITLE.

This title may be cited as the ''Rail Passenger Disaster Family Assistance Act of 2007''.

SEC. 702. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Subchapter III of chapter 11 of title 49, United States Code, is amended by adding at the end the following:

''§ 1139. Assistance to families of passengers involved in rail passenger accidents

''(a) IN GENERAL.—As soon as practicable after being notified of a rail passenger accident within the United States involving a rail passenger carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall—

''(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the rail passenger carrier and the families; and

''(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

''(b) RESPONSIBILITIES OF THE BOARD.—The Board shall have primary Federal responsibility for—

''(1) facilitating the recovery and identification of fatally injured passengers involved in an accident described in subsection (a); and

''(2) communicating with the families of passengers involved in the accident as to the roles of—

''(A) the organization designated for an accident under subsection (a)(2);

''(B) Government agencies; and

''(C) the rail passenger carrier involved,

with respect to the accident and the post-accident activities.

''(c) RESPONSIBILITIES OF DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

''(1) To provide mental health and counseling services, in coordination with the disaster response team of the rail passenger carrier involved.

''(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

''(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

''(4) To arrange a suitable memorial service, in consultation with the families.

''(d) PASSENGER LISTS.—

''(1) REQUESTS FOR PASSENGER LISTS.—

''(A) REQUESTS BY DIRECTOR OF FAMILY SUPPORT SERVICES.—It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the rail passenger carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the rail passenger carrier's train involved in the accident. A rail passenger carrier shall use reasonable efforts, with respect to its unreserved trains, and passengers not holding reservations on its other trains, to ascertain the names of passengers aboard a train involved in an accident.

''(B) REQUESTS BY DESIGNATED ORGANIZATION.—The organization designated for an accident under subsection (a)(2) may request from the rail passenger carrier involved in the accident a list described in subparagraph (A).

''(2) USE OF INFORMATION.—The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

''(e) CONTINUING RESPONSIBILITIES OF THE BOARD.—In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident—

''(1) are briefed, prior to any public briefing, about the accident and any other findings from the investigation; and

''(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

''(f) USE OF RAIL PASSENGER CARRIER RESOURCES.—To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the rail passenger carrier involved in the accident to facilitate the reasonable use of the resources of the carrier.

''(g) PROHIBITED ACTIONS.—

''(1) ACTIONS TO IMPEDE THE BOARD.—No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

''(2) UNSOLICITED COMMUNICATIONS.—No unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney (including any associate, agent, employee, or other representative of an attorney) or any potential party to the litigation to an individual (other than an employee of the rail passenger carrier) injured in the accident, or to a relative of an individual involved in the accident, before the 45th day following the date of the accident.

''(3) PROHIBITION ON ACTIONS TO PREVENT MENTAL HEALTH AND COUNSELING SERVICES.—No State or political subdivision may prevent the employees, agents, or volunteers of an organization designated for an accident under subsection (a)(2) from providing mental health and counseling services under subsection (c)(1) in the 30-day period beginning on the date of the accident. The director of family support services designated for the accident under subsection (a)(1) may extend such period for not to exceed an additional 30 days if the director determines that the extension is necessary to meet the needs of the families and if State and local authorities are notified of the determination.

''(h) DEFINITIONS.—In this section, the following definitions apply:

''(1) RAIL PASSENGER ACCIDENT.—The term 'rail passenger accident' means any rail passenger disaster occurring in the provision of—

''(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

''(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

regardless of its cause or suspected cause.

''(2) RAIL PASSENGER CARRIER.—The term 'rail passenger carrier' means a rail carrier providing—

''(A) interstate intercity rail passenger transportation (as such term is defined in section 24102); or

''(B) interstate or intrastate high-speed rail (as such term is defined in section 26105) transportation,

except that such term shall not include a tourist, historic, scenic, or excursion rail carrier.

''(3) PASSENGER.—The term 'passenger' includes—

''(A) an employee of a rail passenger carrier aboard a train;

''(B) any other person aboard the train without regard to whether the person paid for the

transportation, occupied a seat, or held a reservation for the rail transportation; and

''(C) any other person injured or killed in the accident.

''(i) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.

''(j) RELINQUISHMENT OF INVESTIGATIVE PRIORITY.—

''(1) GENERAL RULE.—This section (other than subsection (g)) shall not apply to a railroad accident if the Board has relinquished investigative priority under section 1131(a)(2)(B) and the Federal agency to which the Board relinquished investigative priority is willing and able to provide assistance to the victims and families of the passengers involved in the accident.

''(2) BOARD ASSISTANCE.—If this section does not apply to a railroad accident because the Board has relinquished investigative priority with respect to the accident, the Board shall assist, to the maximum extent possible, the agency to which the Board has relinquished investigative priority in assisting families with respect to the accident.''.

(b) CONFORMING AMENDMENT.—The table of sections for such chapter is amended by inserting after the item relating to section 1138 the following:

''1139. Assistance to families of passengers involved in rail passenger accidents.''.

SEC. 703. RAIL PASSENGER CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN RAIL PASSENGER ACCIDENTS.

(a) IN GENERAL.—Part C of subtitle V of title 49, United States Code, is amended by adding at the end the following new chapter:

''CHAPTER 251—FAMILY ASSISTANCE

''Sec.

''25101. Plans to address needs of families of passengers involved in rail passenger accidents.

''§ 25101. Plans to address needs of families of passengers involved in rail passenger accidents

''(a) SUBMISSION OF PLANS.—Not later than 6 months after the date of the enactment of this section, each rail passenger carrier shall submit to the Secretary of Transportation and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any rail passenger accident involving a train of the rail passenger carrier and resulting in a major loss of life.

''(b) CONTENTS OF PLANS.—A plan to be submitted by a rail passenger carrier under subsection (a) shall include, at a minimum, the following:

''(1) A plan for publicizing a reliable, toll-free telephone number, and for providing staff, to handle calls from the families of the passengers.

''(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1139(a)(2) of this title or the services of other suitably trained individuals.

''(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the rail passenger carrier has verified that the passenger was aboard the train (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

''(4) An assurance that the rail passenger carrier will provide to the director of family support services designated for the accident under section 1139(a)(1) of this title, and to the organization designated for the accident under section 1139(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the train (whether or not such names have been verified), and will periodically update the list. The plan shall include a procedure, with respect to unreserved trains and passengers not holding reservations on other trains, for the rail passenger carrier to use reasonable efforts to ascertain the names of passengers aboard a train involved in an accident.

''(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the rail passenger carrier.

''(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the rail passenger carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

''(7) An assurance that any unclaimed possession of a passenger within the control of the rail passenger carrier will be retained by the rail passenger carrier for at least 18 months.

''(8) An assurance that the family of each passenger or other person killed in the accident will be consulted about construction by the rail passenger carrier of any monument to the passengers, including any inscription on the monument.

''(9) An assurance that the treatment of the families of nonrevenue passengers will be the same as the treatment of the families of revenue passengers.

''(10) An assurance that the rail passenger carrier will work with any organization designated under section 1139(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

''(11) An assurance that the rail passenger carrier will provide reasonable compensation to any organization designated under section 1139(a)(2) of this title for services provided by the organization.

''(12) An assurance that the rail passenger carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

''(13) An assurance that the rail passenger carrier will commit sufficient resources to carry out the plan.

''(14) An assurance that the rail passenger carrier will provide adequate training to the employees and agents of the carrier to meet the needs of survivors and family members following an accident.

''(15) An assurance that, upon request of the family of a passenger, the rail passenger carrier will inform the family of whether the passenger's name appeared on any preliminary passenger manifest for the train involved in the accident.

''(c) LIMITATION ON LIABILITY.—A rail passenger carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the rail passenger carrier in preparing or providing a passenger list, or in providing information concerning a train reservation, pursuant to a plan submitted by the rail passenger carrier under subsection (b), unless such liability was caused by conduct of the rail passenger carrier which was grossly negligent or which constituted intentional misconduct.

''(d) DEFINITIONS.—In this section—

''(1) the terms 'rail passenger accident' and 'rail passenger carrier' have the meanings such terms have in section 1139 of this title; and

''(2) the term 'passenger' means a person aboard a rail passenger carrier's train that is involved in a rail passenger accident.

''(e) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section may be construed as limiting the actions that a rail passenger carrier may take, or the obligations that a rail passenger carrier may have, in providing assistance to the families of passengers involved in a rail passenger accident.''.

(b) CONFORMING AMENDMENT.—The table of chapters for subtitle V of title 49, United States Code, is amended by adding after the item relating to chapter 249 the following new item:

''251. FAMILY ASSISTANCE ..... 25101''.

SEC. 704. ESTABLISHMENT OF TASK FORCE.

(a) ESTABLISHMENT.—The Secretary of Transportation, in cooperation with the National Transportation Safety Board, organizations potentially designated under section 1139(a)(2) of title 49, United States Code, rail passenger carriers, and families which have been involved in rail accidents, shall establish a task force consisting of representatives of such entities and families, representatives of passenger rail carrier employees, and representatives of such other entities as the Secretary considers appropriate.

(b) MODEL PLAN AND RECOMMENDATIONS.—The task force established pursuant to subsection (a) shall develop—

(1) a model plan to assist passenger rail carriers in responding to passenger rail accidents;

(2) recommendations on methods to improve the timeliness of the notification provided by passenger rail carriers to the families of passengers involved in a passenger rail accident;

(3) recommendations on methods to ensure that the families of passengers involved in a passenger rail accident who are not citizens of the United States receive appropriate assistance; and

(4) recommendations on methods to ensure that emergency services personnel have as immediate and accurate a count of the number of passengers onboard the train as possible.

(c) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the model plan and recommendations developed by the task force under subsection (b).

The CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–371. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. OBERSTAR

The CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–371.

Mr. OBERSTAR. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OBERSTAR:

Page 27, line 19, through page 34, line 14, amend title III to read as follows (and amend the table of contents accordingly):

TITLE III—BRIDGE SAFETY

SEC. 301. RAILROAD BRIDGE SAFETY ASSURANCE.

Not later than 12 months after the date of enactment of this Act, the Federal Railroad Safety Administration shall implement regulations requiring owners of track carried on one or more railroad bridges to adopt safety practices to prevent the deterioration of

railroad bridges and reduce the risk of human casualties, environmental damage, and disruption to the Nation's transportation system that would result from a catastrophic bridge failure. The regulations shall, at a minimum—

(1) require each track owner to—

(A) develop and maintain an accurate inventory of its railroad bridges, which shall identify the location of each bridge, its configuration, type of construction, number of spans, span lengths, and all other information necessary to provide for the safe management of the bridges;

(B) ensure that a professional engineer competent in the field of railroad bridge engineering, or a qualified person under the supervision of the track owner, determines bridge capacity;

(C) maintain, and update as appropriate, a record of the safe capacity of each bridge which carries its track and, if available, maintain the original design documents of each bridge and a documentation of all repairs, modifications, and inspections of the bridge;

(D) develop, maintain, and enforce a written procedure that will ensure that its bridges are not loaded beyond their capacities;

(E) conduct regular comprehensive inspections of each bridge, at least once per year, and maintain records of those inspections that include the date on which the inspection was performed, the precise identification of the bridge inspected, the items inspected, an accurate description of the condition of those items, and a narrative of any inspection item that is found by the inspector to be a potential problem;

(F) ensure that the level of detail and the inspection procedures are appropriate to the configuration of the bridge, conditions found during previous inspections, and the nature of the railroad traffic moved over the bridge, including car weights, train frequency and length, levels of passenger and hazardous materials traffic, and vulnerability of the bridge to damage;

(G) ensure that an engineer who is competent in the field of railroad bridge engineering—

(i) is responsible for the development of all inspection procedures;

(ii) reviews all inspection reports; and

(iii) determines whether bridges are being inspected according to the applicable procedures and frequency, and reviews any items noted by an inspector as exceptions; and

(H) designate qualified bridge inspectors or maintenance personnel to authorize the operation of trains on bridges following repairs, damage, or indications of potential structural problems;

(2) instruct Administration bridge inspectors to obtain copies of the most recent bridge management programs and procedures of each railroad within the inspector's areas of responsibility, and require that inspectors use those programs when conducting bridge inspections; and

(3) establish a program to review bridge inspection and maintenance data from railroads and Administration bridge inspectors periodically.

Page 73, lines 18 through 21, strike section 610.

Page 73, line 22, through page 77, line 16, redesignate sections 611 through 615 as sections 610 through 614, respectively (and amend the table of contents accordingly).

Page 79, line 1, through page 80, line 7, strike section 616 (and amend the table of contents accordingly).

Page 80, after line 7, insert the following new section (and amend the table of contents accordingly):

SEC. 615. LOCOMOTIVE HORN REQUIREMENT WAIVER.

Section 20153(c) of title 49, United States Code, is amended by adding at the end the following new paragraph:

''(3) The Secretary, in reviewing applications for waivers or exemptions, shall consider horn noise and the impact of such noise on the local community and the unique characteristics of the community.''.

The CHAIRMAN. Pursuant to House Resolution 724, the gentleman from Minnesota (Mr. OBERSTAR) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes.

The collapse of the Interstate 35 bridge in Minneapolis on August 1 while I was at this very microphone managing a conference report on water resources amendments stunned the Nation, stunned this House. It startled my colleagues in the Minnesota delegation and our colleagues on the committee.

But shortly after that, the Federal Railroad Administration and the GAO warned that many of the Nation's 76,000 railroad bridges may also be at risk.

FRA on September 11 issued a rail safety advisory on railroad bridges, reporting that 52 accidents over the period 1982 to 1986 were caused by the catastrophic structural failure of railroad bridges. The most recent accident was the M&B Railroad near Myrtlewood, Alabama, where a train of solid-fuel rocket motors derailed when a timber trestle railroad bridge collapsed under that train. Several cars, one carrying a rocket motor, rolled onto their side. Six people were injured.

Bridge failures do not account for the majority of train accidents, but FRA noted and updated their guidelines and reported that they have found instances ''where lack of adherence to the FRA's bridge safety policy resulted in trains operating over structural deficiencies in steel bridges that could easily have resulted in serious train accidents.'' We deal with that issue, among others, in this manager's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I do not oppose the amendment, but ask unanimous consent to claim the time in opposition.

The CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. SHUSTER. Mr. Chairman, Chairman OBERSTAR's manager's amendment contains several important provisions. First, it codifies FRA's existing safety advisory on railroad bridges. This provision will help ensure that the recent tragic collapse of the highway bridge in Minneapolis will never be repeated on our Nation's rail system.

The manager's amendment also modifies the Swift Act, which requires locomotives to sound whistles at every crossing in the Nation. The amendment will require the FRA to take into account the impact of horn use on local communities.

For example, the town of Baldwin, Florida, is only a mile wide, but has a number of rail crossings and heavy train traffic. According to Mayor Godbold of Baldwin, locomotives sound their horns over a thousand times per day in this small town. The amendment will help Baldwin and other towns balance issues of safety and noise pollution.

Finally, the manager's amendment makes some technical corrections deleting the preemption and the police provisions which have already been enacted in the 9/11 bill.

Mr. Chairman, I yield back the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Tennessee (Mr. COHEN), a member of the committee.

Mr. COHEN. Mr. Chairman, I want to thank the chairman and the ranking member and Mr. SHUSTER for doing such a wonderful job on this bill. The chairman is passionate about this issue, and the American people are fortunate to have people in the Chair's position who are knowledgeable and passionate about the subject matter.

I rise today in support of the H.R. 2095, and am pleased to be a cosponsor of this legislation which would reorganize the Federal Railroad Administration as the Federal Railroad Safety Administration, and requires the Secretary of Transportation to develop a long-term strategy for reducing the number and rates of accidents, injuries, and fatalities involving railroads. It is not just linguistics; it is action and direction.

The city of Memphis, which lies along the Tennessee border, is a major hub for the railroad industry. The city ranks third nationally in the number of class 1 railroads. According to the Memphis Regional Chamber, 220 trains pass through Memphis every day. Between January and July of 2007, there were 36 rail accidents in Shelby County, two of which were fatal. Consequently, railroad safety is critically important to my district.

I was pleased that this Congress passed and enacted H.R. 1401, the Rail and Public Transportation Security Act, which was designed to enhance the security of our railroad transportation systems. The bill also adopted an amendment I introduced which called on the Secretary of Transportation, in consultation with the Homeland Security Secretary, to work to minimize the hazards of toxic inhalation hazardous material.

This legislation today goes further by focusing on rail safety for passengers, pedestrians and train workers. The bill changes the hours of service rules for railroad workers and includes measures to improve areas where railroad tracks cross roads. This happens

too frequently in Memphis, particularly in the university district.

In response to inspection personnel shortages, the measure requires the Department of Transportation increase the number of Federal Railroad Safety Administration safety inspections and enforcement personnel, setting targets that are reachable and good for the public. I urge all Members to support passage of the bill.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of my time to point out that in the manager's amendment, we strike section 301, the whistleblower provision, and section 616, the preemption provision, which was included in the security bill. And I note those two because they are two of the five objections the administration raises in its statement of administration policy, so they are objecting to two items not in the bill nor in the manager's amendment. Therefore, I urge support of the manager's amendment.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to take this time to again thank Chairman OBERSTAR for his leadership on the issue of safety.

The Managers amendment clarifies two important issues that have been dealt with in other legislation. The whistleblower protections and changes to federal preemption which the committee worked hard to fix.

It also includes language that requires railroad owners to adopt measures that improve the safety of railroad bridges, and requires the Secretary to consider community concerns when granting exemptions for sounding locomotive whistles.

I encourage my colleagues to support this amendment.

Mr. OBERSTAR. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. OBERSTAR).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MRS. NAPOLITANO

The CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–371.

Mrs. NAPOLITANO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mrs. NAPOLITANO:

At the end of title VI, add the following new section (and amend the table of contents accordingly):

SEC. 617. SAFETY INSPECTIONS IN MEXICO.

(a) IN GENERAL.—Mechanical and brake inspections of rail cars performed in Mexico shall not be treated as satisfying United States rail safety laws or regulations unless the Secretary of Transportation certifies that—

(1) such inspections are being performed under regulations and standards equivalent to those applicable in the United States, including comparable enforcement procedures;

(2) the Mexican counterparts to the Federal Railroad Safety Administration are effectively enforcing such standards;

(3) the inspections are being performed by employees receiving comparable classroom and on the job training as is the norm in the United States;

(4) inspection records are maintained in both English and Spanish, and such records are available to the Federal Railroad Safety Administration for review; and

(5) the Federal Railroad Safety Administration is permitted to perform onsite inspections for the purpose of ensuring compliance with the requirements of this subsection.

(b) HAZARDOUS MATERIAL INSPECTIONS.—Notwithstanding subsection (a), no hazardous material inspections performed in Mexico shall be treated as having satisfied the applicable United States rail safety laws and regulations.

The CHAIRMAN. Pursuant to House Resolution 724, the gentlewoman from California (Mrs. NAPOLITANO) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from California.

Mrs. NAPOLITANO. Mr. Chairman, my amendment ensures that trains entering or reentering this country from Mexico are certified and inspected. Over 10,000 trains enter the United States from Mexico through Calexico, San Ysidro, Brownsville, El Paso, Laredo, Eagle Pass and Arizona at Nogales. Currently, all trains crossing the border are inspected by our own U.S. inspectors who are highly trained, must follow stringent FRA requirements, fully understand rail safety laws, earn a good salary with strong benefits, and the rail companies they work for are fully liable in case of an accident.

U.S. railroad companies have been trying to outsource inspections to Mexico. Union Pacific has been twice denied by FRA in 2004 and 2007. We must set up a process for the Department of Transportation to ensure continued protection with legitimate inspections.

Mexican inspectors have much lower standards for safety than our U.S. inspectors, are not versed in U.S. laws and regulations, and are poorly compensated compared to U.S. inspectors.

My amendment ensures that all trains coming into the United States from Mexico continue to be safe for rail travel in our country and prohibits Mexican inspectors from performing safety inspections unless the U.S. Secretary of Transportation certifies that inspections are performed under U.S. regulation and U.S. standards, that the Mexican Government is effectively enforcing such safety standards, that inspectors are receiving comparable classroom and on-the-job training as in the U.S., inspection records are maintained in both English and Spanish, records are available to the FRA for review, and the FRA is permitted to perform on-site inspections in Mexico.

My amendment also forbids inspections of any hazardous material railcars from taking place in Mexico. FRA must have the ability to grant waivers only if strict safety precautions are in place and adhered to. My amendment protects against future attempts by railroads to apply for inspections in Mexico unless they follow restrictions. My amendment ensures safety and security of all trains entering the United States through the southern border.

Mr. Chairman, I ask my colleagues to support this important safety amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I claim the time in opposition, though I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I have some concerns with this amendment which attempts to regulate railcar brake inspections in Mexico.

As I understand it, this issue has already been dealt with by the FRA. The Union Pacific Railroad had requested a limited waiver to do certain air brake testing in Mexico, but the Federal Rail Administration denied that waiver. So air brake and other safety inspections are actually being done on the American side of the border.

A potentially larger issue is that this amendment attempts to regulate labor conditions in Mexico. This amendment would interfere with the existing flow of commerce across our southern border. I do not have an answer to that, but I am concerned it could be construed as violating NAFTA.

While I agree with Mrs. NAPOLITANO's intent of ensuring a safe U.S. rail system, I have great concerns. But I hope we can work together as we go through conference to take care of my concerns. I thank the chairman.

Mr. OBERSTAR. Mr. Chairman, I yield myself 1½ minutes to point out that although the gentleman is right, the FRA did deny Union Pacific, the denial is ''without prejudice to the submission of a future request addressing the same subject matter,'' so the issue remains alive and it seems appropriate to address it in this manner.

The gentleman does raise a concern about the NAFTA agreement and such language might run in contravention, but safety always trumps other issues. In our aviation trade agreements with other countries, the U.S. rules on safety prevail over those of the trading nation. We are elevating this whole role of safety in the FRA and changing its title to the Federal Railroad Safety Administration.

I think we should explore further in that context and with relationship to aviation the effect of NAFTA and the effect this language might have within NAFTA, and I will be glad to pursue that with the gentleman.

Mr. Chairman, I reserve the balance of my time.

□ 1700

Mrs. NAPOLITANO. Mr. Chairman, I yield 1 minute to the gentleman from California (Mr. BACA).

(Mr. BACA asked and was given permission to revise and extend his remarks.)

Mr. BACA. Mr. Chairman, I commend my friend GRACE NAPOLITANO for her leadership on this amendment.

This amendment is about protecting American jobs, and I state, about protecting American jobs. It's about ensuring the safety of our workers and our communities. It's about securing our Nation's borders. We must not let the railroad industry outsource this important work. The safety and security of our Nation depends on it.

Ten thousand trains enter the United States from Mexico each year. We must ensure the highest standards for safety inspections of these trains. American workers know how to do it best.

This amendment ensures the highest safety, training and enforcement standards are met. In the wake of 9/11 and in light of the train derailments we've seen, and I know that in my district we had one, it is the least we can do to enhance the safety of our community and ensure our Nation's safety.

I urge my colleagues to vote in favor of GRACE NAPOLITANO's amendment.

Mrs. NAPOLITANO. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I'm glad that the chairman of the committee pointed out that this is an ongoing issue.

In 2004, 2007, when it was requested, it may have been denied, but in San Antonio, we've had such a rash of accidents for the past 5 years that finally railroad safety came to the forefront and we are recognizing some progress. Let's not go backward and allow these waivers.

When the FRA denied the UP waiver in 2004, it did so because they found that documentation on employee training was insufficient and unsatisfactory. When they withdrew their request in 2007, the company spokesman commented that the political climate was wrong for them to push for the waiver.

But let us make sure that the political climate remains unfavorable and that common sense will prevail and only so if we pass this amendment, and I urge all my colleagues to vote ''yes'' on the Napolitano amendment.

Mr. OBERSTAR. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Florida (Ms. CORRINE BROWN).

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to commend the congresswoman for introducing this amendment. She's a great addition to the Transportation Committee, but she has come with strong support for railroad safety, and I want to thank her.

This is a perfect addition to this safety legislation. This amendment prohibits Mexican companies and inspectors from performing mechanical and brake inspections unless they follow U.S. safety, training and enforcement standards. It makes no sense to apply rail safety measures in the U.S. if they are not going to apply to trains coming in from Mexico. This is just a commonsense amendment.

I encourage my colleagues to support this amendment.

Mr. OBERSTAR. Under the rule, the gentlewoman from California has the right to close on her amendment?

The CHAIRMAN. The gentleman from Minnesota is right. The gentlewoman from California does have the right to close.

Mr. OBERSTAR. Mr. Chairman, with the further caveat about the issues raised by the gentleman from Pennsylvania about the possible effect on NAFTA, a matter going forward we can review with the appropriate authorities, I urge support for the amendment of the gentlewoman from California.

Mr. Chairman, I yield back the balance of my time.

Mrs. NAPOLITANO. Mr. Chairman, I thank Chairman OBERSTAR and Ranking Member MICA and all my colleagues.

This is a very important bill to continue making the FRA the safety agency it's supposed to be. We need to be able to ensure that any railcar traveling in the U.S. carries the same safety inspection standards as any other railcar.

So, with that, I ask for an ''aye'' vote and support for the amendment and the full bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from California (Mrs. NAPOLITANO).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. PALLONE

The CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–371.

Mr. PALLONE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. PALLONE:

Page 80, after line 7, insert the following new section (and amend the table of contents accordingly):

SEC. 617. SURFACE TRANSPORTATION BOARD JURISDICTION OVER SOLID WASTE FACILITIES.

Section 10501 of title 49, United States Code, is amended—

(1) by striking ''facilities,'' in subsection (b)(2) and inserting ''facilities (except solid waste rail transfer facilities as defined in subsection (c)(3)(C)),''; and

(2) by adding at the end of subsection (c)(3) the following new subparagraph:

''(C) Nothing in this section preempts a State or local governmental authority from regulating solid waste rail transfer facilities. For purposes of this subparagraph, the term 'solid waste rail transfer facility' means the portion of any facility owned or operated by or on behalf of a rail carrier, at which occurs the—

''(i) collection, storage, or transfer, outside of original shipping containers;

''(ii) separation; or

''(iii) processing (including baling, crushing, compacting, and shredding), of solid waste, as defined in section 1004 of the Solid Waste Disposal Act (42 U.S.C. 6903).''.

The CHAIRMAN. Pursuant to House Resolution 724, the gentleman from New Jersey (Mr. PALLONE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment will exclude solid waste rail transfer facilities from the exclusive jurisdiction of the Surface Transportation Board and provide that laws outlining the STB's jurisdiction would not preempt the authority of State and local governments to regulate such facilities.

In New Jersey, and all over the country, certain waste handlers and railroad companies have tried to exploit a supposed loophole in Federal law in order to set up unregulated waste transfer facilities.

Under the Interstate Commerce Commission Termination Act of 1995, the STB has exclusive jurisdiction over transportation by rail carriers and the ability to grant Federal preemption over other laws at any level, local, State or Federal, that might impede such transportation.

But Congress intended such authority to extend only transportation by rail, not to the operation of facilities that are merely sited next to rail operations or have a business connection to a rail company.

Unfortunately, certain companies have exploited this loophole to build or plan waste transfer stations next to rail lines and avoid any regulation from the State or local authorities.

It's my hope that this amendment will take the STB out of the waste management business by ensuring that State and local governments have the right to regulate solid waste transfer stations.

We must ensure that solid waste facilities follow the rules and do not pollute pristine open space, and do all that we can to protect our environment from unregulated facilities.

Mr. Chairman, I reserve the balance of my time.

Mr. SHUSTER. Mr. Chairman, I rise to claim the time in opposition.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for 5 minutes.

Mr. SHUSTER. Mr. Chairman, this amendment deals with STB preemption of laws regarding railroad waste transportation facilities. The Rail Subcommittee has held several hearings on this issue, one last year and another just yesterday.

I've a great interest in this issue, as my home State of Pennsylvania is the number one recipient of imported waste from other States, most of it coming from New Jersey and New York City. So, as I said, I've great concern.

At yesterday's hearing, we heard many complaints from local communities about illegal railroad, or not

even railroads, but people who claim the railroads, that are waste facilities. We also heard from the STB that most local laws are not currently preempted by Federal law. In fact, many entities claiming Federal preemption do not have legitimate claims.

I think it's clear that this law has to be clarified to make it easier to stop unscrupulous operators that Mr. PALLONE mentioned in his State of New Jersey, but regarding Mr. PALLONE's amendment, the STB has told our rail staff that this amendment needs improvement to accomplish that, to accomplish the stated goal of regulating railroad waste facilities.

In fact, I quote from a letter from the chairman of STB that says his ''general concern with the Pallone amendment is that it is overbroad and could result in local land use and zoning agencies exerting jurisdiction over legitimate rail transportation projects and impeding interstate commerce.''

In addition, the STB is already in the process of addressing many of these issues, which they need to do. If people were out there operating waste facilities in an illegal or unscrupulous manner, that needs to be addressed.

I would like to work with Mr. PALLONE on this issue, but I'm going to oppose this amendment on those grounds. We need to encourage States to deal with their trash problem, all of us across this country. We all produce waste. We've got to make sure in our neighborhoods that we're taking care of our own waste and not shipping it to other States, and I'm just concerned that that's what will occur if this amendment is passed. And so I urge my colleagues to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. PALLONE. Mr. Chairman, may I inquire how much time remains?

The CHAIRMAN. The gentleman from New Jersey (Mr. PALLONE) has 3½ minutes remaining. The gentleman from Pennsylvania (Mr. SHUSTER) has 3 minutes remaining.

Mr. PALLONE. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida (Ms. CORRINE BROWN), the subcommittee Chair.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I want to compliment Congressman PALLONE for his hard work on this issue of rail-owned waste transfer facilities.

Yesterday, the Railroad Subcommittee held a hearing on rail-owned municipal waste transfer facilities. We learned that there is a growing concern in the Northeast that some railroads are using Federal preemptions standards to shield themselves from important State and local environmental laws which are leading to a lack of environmental and health-related oversight of these facilities.

This language may need to be refined to ensure that States and localities don't overregulate the industry, but this is the right first step in ensuring that railroad operated waste transfer stations are not posing a health or environmental risk to the communities where they're operating.

I encourage my colleagues to support this amendment, and I think we will work as we go toward conference to improve it and refine the language.

Mr. SHUSTER. Mr. Chairman, I have no further speakers, and I reserve my time.

Mr. PALLONE. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota (Mr. OBERSTAR), the chairman of the committee.

Mr. OBERSTAR. Mr. Chairman, the essential issue here is not whether the noxious fumes, whether the groundwater pollution caused by solid waste deposited on rail property should be regulated. The question here is whether the language and the manner in which the gentleman proposes to prevent those effects upon nearby communities is in interference with the authority and the preemption authority of the Federal Railroad Administration.

Mr. Mulvey, one of the commissioners of the Surface Transportation Board, said, ''I believe that an amendment such as this is necessary to redress the growing misuse of Federal railroad preemption law . . . with respect to solid waste transload facilities.'' But he, too, expresses concerns that it could be interpreted too broadly to frustrate the zoning of legitimate solid waste transfer facilities.

This is an issue, he says, that can be worked out. It can be worked out, and we are committed to doing so, with participation of the gentleman from Pennsylvania.

The CHAIRMAN. The time remaining is the gentleman from Pennsylvania (Mr. SHUSTER) has 3 minutes remaining. The gentleman from New Jersey (Mr. PALLONE) has 1½ minutes remaining. The gentleman from Pennsylvania has the right to close.

Mr. SHUSTER. Mr. Chairman, I agree with what the chairman said. Again, I don't disagree with the situation that is occurring that appears significant in New Jersey.

I am concerned, as I stated, that this language is going to allow communities to stop legitimate and law-abiding rail entities and operations, to stop them when they don't like it. I have great concern in that.

I believe the trash issue, as I said, is significant. Pennsylvania is the biggest importer of trash in the Nation with 10 million tons every year coming across the border into Pennsylvania.

My concern is that this problem will get pushed out of New Jersey and out of other States into States that are more willing to handle it, and as I said, we all produce trash. I'm sure today I've got half a waste can or more in my office. My community produces trash. Communities have to deal with that problem.

Again, nobody wants a landfill in their backyard, but the reality is we've got to have landfills. We've got to have these waste transfer stations. We've got to make sure, though, that people that are operating them are operating them properly so that we're not damaging the environment, that we aren't doing negative things to our communities because, as we heard yesterday, outside of Philadelphia and Bensalem, Mr. MURPHY's district, they were trying to redevelop their town, and right across the street, somebody wants to come in and put in a waste treatment facility or waste transfer station that's not going to be positive for that community.

So, again, local communities have to have some say, but we've got to make sure they're not overstepping and stopping legitimate operations.

Mr. OBERSTAR. Mr. Chairman, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from Minnesota.

Mr. OBERSTAR. I think it's clear the amendment does not apply to containerized facilities. They still are subject to the Federal preemption. The only question is whether there's infringement on preemption with open facilities, open solid waste storage facilities. That is a matter on which I think with further discussion we can reach an amicable resolution.

Mr. SHUSTER. I appreciate and look forward to having those discussions. I, again, oppose the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. PALLONE. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania (Mr. PATRICK J. MURPHY).

Mr. PATRICK J. MURPHY of Pennsylvania. Mr. Chairman, I thank the gentleman from New Jersey.

Mr. Chairman, I rise today to urge my colleagues to support this critical amendment that we are offering with my good friend Mr. PALLONE of New Jersey.

Right now in districts across America companies are trying to skirt the law and put our communities at risk.

□ 1715

In my district in Bensalem of Bucks County, Pennsylvania, a company is trying to construct a waste transfer facility despite widespread public opposition. A few months ago I stood with the leaders of Bensalem, Mayor Joseph DiGirolamo and State Representative Gene DiGirolamo, as we urged Congress to close this loophole that allows this end-run around local and State laws.

This is not a partisan issue, as these two Republican leaders of Bensalem will attest to. After all, ensuring that our neighborhoods are kept clean and safe isn't about politics; it is about doing what is right. With this amendment, we have an opportunity to protect our neighborhoods. I urge swift passage of this important amendment.

The CHAIRMAN. The gentleman from New Jersey is recognized for the 30 seconds remaining.

Mr. PALLONE. Thank you, Mr. Chairman. Let me just thank Mr. MURPHY, who I should say is a cosponsor with me of this amendment.

I include for the RECORD the letter from the Commissioner of the Surface Transportation Board, Mr. Francis Mulvey, to Chairwoman BROWN where he indicates his support of the amendment. He does, as the chairman of the full committee says, believe that there may be some issues that will have to be worked out as we move to conference or whatever on this. I would assure my colleague from Pennsylvania that we would try to do that. I urge support of the amendment.

SURFACE TRANSPORTATION BOARD,
Washington, DC, October 17, 2007.

Hon. CORRINE BROWN,
Chairwoman, Subcommittee on Railroads, Pipelines and Hazardous Materials, House of Representatives, Washington, DC.

DEAR CHAIRWOMAN BROWN: I am writing in support of the pending Pallone-Murphy Amendment to be offered to H.R. 2095, the Federal Railroad Safety Improvement Act of 2007. In accordance with my testimony before the Subcommittee at yesterday's hearing, I believe that an amendment such as this is necessary to redress the growing misuse of federal railroad preemption law, 49 U.S.C. 10501(b), with respect to solid waste transload facilities.

I am concerned that the Amendment could possibly be interpreted too broadly to enable State and local governments to frustrate the zoning of legitimate solid waste transload facilities, but I believe this is an issue that can be worked out as the Amendment and Bill move forward.

I also want to echo my testimony yesterday by making it clear that determining where the boundaries of federal preemption lie is a delicate process, as shown by the Board's and courts' thoughtful interpretations over the past 12 years since the passage of the ICC Termination Act of 1995. I do not believe that the scope of preemption should be narrowed any more than is necessary to prevent its misuse. Under no circumstances should State and local police powers be circumscribed.

Thank you for your consideration of my views. I remain available to answer any further questions you or other Members may have about this issue.

Sinerely,

FRANCIS P. MULVEY,
Commissioner.

Mr. HOLT. Mr. Chairman, I rise today to support the amendment from my colleague from New Jersey, Mr. PALLONE and my colleague from Pennsylvania, Mr. MURPHY to the Federal Railway Safety and Safety Improvement Act.

Mr. PALLONE and Mr. MURPHY's amendment would exclude from the jurisdiction of the Surface Transportation Board the regulation and approval of solid waste transfer and processing facilities near railway stations. This amendment addresses a serious environmental concern in allowing companies to skirt solid waste regulations and I fully support this amendment.

The Interstate Commerce Commission Termination Act of 1995 gave the STB jurisdiction over transportation by rail carriers and authorized the STB to pre-empt Federal, State or local laws in conflict with Commerce Clause. This law was intended to extend the STB's authority only to railroad operations, not to the operation of facilities located by rail services or to businesses which have a connection to a rail company. Unfortunately, confusion about Congressional intent behind the ICCTA has been exploited by some companies to override State and Federal environmental regulations for the sake of profit and have put both the environment and the public health at risk.

It is through a gross misinterpretation of ICCTA that the STB allows companies to seek Federal preemption of a host of environmental and public health laws by simply locating their facilities on railroad property. One of the more egregious examples of this abuse is the building of solid waste facilities along rail lines. In the State of New Jersey, the STB has allowed nine railroad transfer facilities to operate under the supposed Federal preemption supposedly authorized through the ICCTA—at least one of which handles toxic waste.

Many of these facilities are little more than trash heaps which do not have to comply with either State or Federal solid waste regulations. This is unacceptable. We have spent the last decade working to clean up the damage that has been caused by improper waste disposal, and continuing to allow companies to exploit the ICCTA is a step backwards in the progress we have made in regulating this industry. Mr. PALLONE and Mr. MURPHY's amendment would take a crucial step towards correcting this problem and I urge my colleagues to support it.

Mr. RAHALL. Mr. Chairman, it has been over a decade since Congress passed the Interstate Commerce Clause Termination Act.

While I have the deepest respect for my colleague from New Jersey who sponsored this amendment, I feel his amendment is overly broad and violates the letter and spirit of the ICCTA.

According to the Gentleman from New Jersey's amendment, any State and local agency can regulate railroad-owned, solid waste rail transfer facilities.

Father, forgive them; for they know not what they do.

Adoption of this amendment would mean that if a railroad were to try and establish a solid waste transload facility, local government authorities would have very few checks on their ability to regulate this industry.

There are no jurisdictional requirements in this amendment, no limit to the number of authorities which could mount challenges. It would begin to dismantle, piece by piece, the federal preemption that is integral to our national rail system.

Many of the individuals supporting this amendment today will tell you how states are unable to protect their citizens under the current guidelines set forth by the Surface Transportation Board.

What you may not hear, is that a State can protect the health and safety of their citizens.

Should companies violate the laws and regulations governing health and safety problems, a state can use its police power, take the offending railroad to court, or petition the Surface Transportation Board to halt the railroads operations.

New Jersey was able to shut down three waste transload facilities earlier this year, because the facility violated the fire safety laws.

These transportation facilities were not created through judicial fiat, they are defined in the very legislation we crafted a decade ago. They were addressed wholesale because we knew that to grant certain commodities preemption, and deny it to others, would create a daunting patchwork of regulation.

This amendment, as well intentioned as it may be, begins the path down that slippery slope. What's next? Will a state's department of environmental protection decide that it doesn't like the transportation of coal, or liquid natural gas, because of the pollution it may cause?

Mr. Chairman, I urge the defeat of this poorly crafted amendment,

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey (Mr. PALLONE).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. ROHRABACHER

The CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–371.

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. ROHRABACHER:

Page 12, line 16, insert the following new paragraph before the close quotation mark:

''(5) There are authorized to be appropriated to the Secretary for each of the fiscal years 2008 through 2011 such sums as may be necessary to design and develop a pilot electric cargo conveyor system for the transportation of containers from ports to depots outside of urban areas.''.

The CHAIRMAN. Pursuant to House Resolution 724, the gentleman from California (Mr. ROHRABACHER) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from California.

Mr. ROHRABACHER. Mr. Chairman, the amendment I am offering on behalf of myself and my colleague from California (Ms. RICHARDSON) provides authorization for the rails of the next generation. As this Congress looks at ways to curb pollution, new technologies such as electric conveyor systems are key in reducing our impact on the environment, while getting the job done more efficiently, thus promoting the economic prosperity and, of course, the well-being of the American people.

Currently, logjams occur as offloaded freight is bottlenecked at our ports waiting for trucks to take containers to interior rail and trucking hubs. Electric conveyor systems, on a set rail, can streamline this process, reducing costs to the American consumer as well as eliminating pollution that would otherwise come from these container hauling trucks.

It is also an issue of safety. American ports are found in coastal metropolitan areas. As the Minnesota bridge disaster reminds us, it is fitting that we look at the safety of our current infrastructure. But we should also look towards the future and the systems that will be in place in the years ahead. Electric conveyor systems have already proven to be extremely safe and efficient, but we would be remiss if we do not offer these systems the same funds for safety that we offer our current rail lines, and that is what this amendment seeks to accomplish. I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I claim the time in opposition, though I do not oppose the amendment.

The CHAIRMAN. Without objection, the gentleman from Minnesota is recognized for 5 minutes.

There was no objection.

Mr. OBERSTAR. I yield myself 2¾ minutes.

This is a proposal that really does have a thousand fathers. The distinguished gentleman from California (Mr. ROHRABACHER) is an advocate for this initiative; I believe the Governor of his State is an advocate for it, as the mayor of Los Angeles is an advocate for it. I know the City of San Diego and their planning organization are for this kind of initiative, the Department of Transportation, the Federal Railroad Administration, the Port of Los Angeles-Long Beach is an advocate for this. And I am an advocate for it. And I think that in this initiative we have found the ideal solution to intermodalism, to movement of goods, reduction of noise, of pollution, of accidents, of intersection of goods, people, and vehicles by adopting the maglev technology. This was an idea that I advocated well in advance of ISTEA in 1991. We got first funding in the ISTEA legislation for study of maglev technology. And then in TEA–21, under then Chairman Shuster, advocating experimental projects. It took years of development, but finally General Atomics, under contract with the Department of Transportation, perfected the technology. And then it was the Port of Long Beach/Los Angeles that said we would like to move containers with it before you start moving people. The ideal solution. I wish I had thought of it myself. But it was the port that came to the idea, and then the gentleman from California working with the port authority and with the State embraced this idea.

This can be a very exciting, successful initiative. We have a paying customer, containers. And with a combination of some Federal grant funding and loans from the railroad infrastructure loan program to whatever the sponsoring authority may be, it can be a State, it can be a railroad, this project can be very successful. We can have one not only in California but in discussion with the Chair of the Rail Subcommittee, Ms. BROWN, the Port of Jacksonville would be interested in such an initiative.

So I just want to point out that while the gentleman advances the cause, it is not limited only to California. The language of the amendment says, authorized to be appropriated such funds as may be necessary to design and develop a pilot electric cargo conveyor system for the transportation of containers from ports to depots outside of urban areas. A brilliant solution.

I reserve the balance of my time.

Mr. ROHRABACHER. How much time do I have left?

The CHAIRMAN. The gentleman from California has 3 minutes remaining.

Mr. ROHRABACHER. I would yield myself 1 minute and I would just suggest that that is the kind of opposition that I like. I thank you very much.

The vision Mr. OBERSTAR has just laid out is exactly what we are trying to do. Mr. OBERSTAR, of course, is responsible for today, but he is also, by working together with us, we are trying to make sure that we are building a better tomorrow based on the technology of tomorrow that will overcome some of the problems of today.

And let us note for the record, this is probably the first legislative step toward the direction of fulfilling the vision that Mr. OBERSTAR just outlined for us of what the potential of this is. So if they go back in history and 5, 10 years from now we have an incredible working system that takes tens of thousands of trucks off the road and it helps our environment, we can look back to this vote and this floor discussion as the first step.

I appreciate that very much and look forward to working with you. I think this is the perfect bipartisan effort where all of us can come together of any project that I know of.

I yield 1 minute to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, as Mr. ROHRABACHER pointed out, this authorizes a program to install a pilot electric conveyer system for cargo. There have been several concepts developed for the Port of Los Angeles to move cargo using electric trucks, LNG trucks, automated shuttles, and even maglev. The general idea is, as Mr. ROHRABACHER has pointed out, to get rid of the diesel trucks and move the cargo to outlying areas for transload to trains or truck. This would cut air pollution and potentially cut the congestion that exists now in the Port of Los Angeles, and would certainly benefit all of the Nation as we develop these types of transportation ideas.

I support Mr. ROHRABACHER's goal of reducing congestion and pollution and urge support of the amendment.

Mr. OBERSTAR. How much time do I have remaining?

The CHAIRMAN. The gentleman has 2½ minutes remaining. The gentleman from California has 1 minute remaining.

Mr. OBERSTAR. I yield 1½ minutes to the distinguished Chair of our Subcommittee on Rail, Ms. BROWN.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I know that this is something that my friend Juanita Millender-McDonald supported and worked hard to realize.

Representing the Port of Jacksonville, I fully understand how important it is to efficiently and safely unload cargo and get it moving to its final destination. As business continues to grow at ports across America, it is becoming increasingly necessary to find alternatives to trucking this increased cargo through towns and communities. This pilot program is one option for transporting cargo outside major urban areas, and we need to seek other solutions.

Mr. Chairman, I know that you addressed this issue, but can you tell us a little bit more how this pilot program will work? Will it limit itself to people in California, or would people in Jacksonville, all over the country, be able to participate in this pilot program?

Mr. OBERSTAR. If the gentlewoman would yield, the language is very broad. It says: Such sums as may be necessary to design and develop a pilot electric conveyor system. But I think that is not limited to one. That is broad enough language to be interpreted as to embrace more than one such project. It would be done by the Department of Transportation through the Federal Railroad Administration with appropriated funds. But also, the applicant has the authority under existing law in the SAFETEA-LU bill to apply for some of the $35 billion in railroad infrastructure loan funding.

Ms. CORRINE BROWN of Florida. I thank the chairman.

Mr. ROHRABACHER. I yield myself the balance of my time.

Again, I would like to thank Chairman OBERSTAR for his support and partnership in this. I would hope that we start with a demonstration at the Port of Los Angeles/Long Beach, whereas it would take tens of thousands of trucks off the road just there, but something that would be a model for the rest of the country.

And let me also suggest that, as we have discussed, this is a project that could well pay for itself and be done with having people who are using the system pay back what the cost of the system is. So it is something that we can work on and mold together in a way that will really serve the environment and make our country more efficient.

Let me note that Juanita Millender-McDonald, who was the Representative from Long Beach as well as myself, was a great supporter of this concept. We talked many times on this. Maybe we will name it after her in her memory. We miss her today. But Ms. RICHARDSON who took her place is very supportive of this as well, so we are working on this as a team. I deeply appreciate this positive spirit on both sides of the aisle, and ask my colleagues to support this amendment.

Mr. OBERSTAR. Mr. Chairman, I yield myself the balance of the time.

Earlier, I said this project has a thousand fathers. I should have said a thousand parents, because there are mothers and fathers in the presence of the gentlewoman from Florida and the gentlewoman from California, the newest member of our committee, Ms. RICHARDSON.

And I love the gentleman's enthusiasm. Mr. ROHRABACHER has from the time we began discussing this project been a very vigorous and knowledgeable supporter of the project. He has

also worked to bring local interests in to work with the Governor of California. I think with this enthusiasm and with this broad bipartisan and bicoastal interest, the Pacific Coast and the Atlantic Coast, that we will see something happen. There is going to be a project resulting from this when we get this legislation enacted.

Mr. Chairman, I yield back the balance of my time and ask for support of the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California (Mr. ROHRABACHER).

The amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. POMEROY, Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 2095) to amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes, pursuant to House Resolution 724, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1730

MOTION TO RECOMMIT OFFERED BY MR. SALI

Mr. SALI. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. SALI. Yes, in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Sali of Idaho moves to recommit the bill H.R. 2095 to the Committee on Transportation and Infrastructure with instructions to report the same back to the House forthwith with the following amendments:

Strike ''Federal Railroad Safety Administration'' each place it appears and insert ''Federal Railroad Administration''.

Page 80, after line 7, insert the following new section (and amend the table of contents accordingly):

SEC. 617. FUNDING LIMITATION.

None of the funds made available pursuant to this Act or the amendments made by this Act may be used to change the name of the Federal Railroad Administration established under section 103 of title 49, United States Code.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Idaho (Mr. SALI) is recognized for 5 minutes in support of his motion.

Mr. SALI. Mr. Speaker, Congress has a spending problem. The budget passed earlier this year anticipates spending $2.9 trillion over the next 12 months. That is more money than the total value of all goods and services produced in Germany at $2.87 trillion, China at $2.52 trillion, or the United Kingdom at $2.34 trillion.

This spending problem is further evidenced by a whopping $9 trillion national debt, a debt that can only be addressed by drastic change. Those changes will only come as Congress prioritizes and makes tough decisions, funding priorities and cutting wasteful spending.

Safety is an important issue. No one argues that point. But spending taxpayer money to rename a 40-year-old agency is just plain ridiculous, and yet, that is one of the things that this bill proposes to do.

The Federal Railroad Administration was created in 1966. Today's bill proposes to change the name of the agency to insert the word ''safety'' renaming it the Federal Railroad Safety Administration. While this sounds innocuous enough, it raises some very practical considerations for spending the American taxpayers' money.

The Federal Railroad Administration has 837 employees. Printing new business cards for everyone to reflect their new agency, at a cost of $30 per person, will cost taxpayers more than $25,000.

Consider also that the agency has eight regional offices across the country, all of which will require new signs to reflect the new agency name. Again, this raises questions: How much taxpayer money will the agency spend for these new signs?

How much taxpayer money will the agency spend to print new letterhead to reflect this name change, an agency that spent nearly $200,000 in printing costs last year?

How much taxpayer money will the agency spend issuing new regulations that reflect this new name?

Mr. Speaker, the bottom line is this. While all of these expenses are relatively modest in light of the $1.11 billion proposed to be authorized by this bill over 4 years, this kind of spending is unnecessary and, frankly, ridiculous.

If the point of this bill is safety, then why not spend the money on safety? Don't spend the hard-earned money of American families and individuals just to rename an agency. That type of spending is an out and out waste of taxpayer money.

Yes, Congress has a spending problem. The only way Congress will cure that problem is to prioritize, make tough decisions and learn, like everyone else, how to live within a budget.

Let us spend money on the priorities that serve the American people best. Let us save this kind of name-changing, sign-adjusting business until a day that we have extra money and no deficit.

I urge my colleagues to vote against needless spending, and please join me in voting for this motion to recommit.

I yield back the remainder of my time.

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to this rather frivolous amendment.

The SPEAKER pro tempore. The gentleman from Minnesota is recognized for 5 minutes.

Mr. OBERSTAR. The only thing I can say for it is that I wish the gentleman had been here in 1995 when the Republican majority forced upon National Airport and the Washington Metropolitan Area Government Authority, Airport Authority, the changing of the name to Ronald Reagan Washington National Airport. And they did so, I say to the gentleman from Idaho, with their finger in the nose of the authorities, saying either you make the changes and you spend the money or we'll take your money away from you. And they said it right here on this floor.

What was the purpose of changing the name of that airport? No useful benefit.

We are creating a new safety emphasis for the Federal Railroad Administration.

In 1996, this committee and this Congress created a Motor Carrier Safety Administration. I didn't hear anybody jump up on the floor and say, Oh, my God, it's going to cost money to change the stationery of the agency.

Baloney. It doesn't cost any money at all. You just use up the existing stationery you have and print new ones. It doesn't cost you any new money. This is bogus. I have no idea where people get such ideas as this.

But when it comes to some priority that some people on the other side of the aisle had in previous Congresses, they shove it down the throat of the Washington Metropolitan Airport Authority and say, You will change the name on all the facilities. You will change, they said to the National Park Service, signs leading to the airport, and you will do it at your expense, at the Federal Government expense.

Here it's going to be a change of stationery. You run out of the existing stationery they have and print new ones that says ''safety'' on it.

Maybe he's getting at something more sinister. Maybe the gentleman doesn't want ''safety'' to be in the title of this agency. Maybe the gentleman doesn't want, and anyone who votes for such an amendment, doesn't want ''safety'' to be in the name of the agency that regulates safety in the public interest.

Vote against this amendment. This is nonsense.

I yield back.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. SALI. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 198, nays 222, not voting 11, as follows:

[Roll No. 979]

YEAS—198

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Broun (GA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Donnelly
Doolittle
Drake
Dreier
Duncan
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gillibrand
Gingrey
Gohmert
Goode
Goodlatte
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kaptur
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Terry
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Walberg
Walden (OR)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (FL)

NAYS—222

Abercrombie
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Gilchrest
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth Sandlin
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Jones (OH)
Kagen
Kanjorski
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNulty
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Richardson
Rodriguez
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NOT VOTING—11

Ackerman
Carson
Conyers
Granger
Jindal
Johnson, E. B.
Matsui
McMorris Rodgers
Meek (FL)
Tancredo
Wilson (OH)

□ 1803

Messrs. FILNER, BERMAN, CARDOZA, KAGEN, CARNEY, DAVIS of Illinois, MARIO DIAZ-BALART of Florida, and ENGEL, and Ms. LORETTA SANCHEZ of California, Ms. LINDA T. SÁNCHEZ of California, and Ms. HOOLEY changed their vote from ''yea'' to ''nay.''

Messrs. TOM DAVIS of Virginia, UDALL of Colorado, TIBERI, and MACK, and Ms. GIFFORDS changed their vote from ''nay'' to ''yea.''

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBERSTAR. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 377, nays 38, not voting 16, as follows:

[Roll No. 980]

YEAS—377

Abercrombie
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gohmert
Gonzalez
Goode
Goodlatte
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Herseth Sandlin
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lampson
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall

Matheson	Pomeroy	Snyder
McCarthy (CA)	Porter	Solis
McCarthy (NY)	Price (NC)	Souder
McCaul (TX)	Putnam	Space
McCollum (MN)	Radanovich	Spratt
McCotter	Rahall	Stark
McCrery	Ramstad	Stearns
McDermott	Rangel	Stupak
McGovern	Regula	Sullivan
McHugh	Rehberg	Sutton
McIntyre	Reichert	Tanner
McKeon	Renzi	Tauscher
McMorris Rodgers	Reyes	Taylor
	Reynolds	Terry
McNerney	Richardson	Thompson (CA)
McNulty	Rodriguez	Thompson (MS)
Meeks (NY)	Rogers (AL)	Thornberry
Melancon	Rogers (KY)	Tiahrt
Mica	Rogers (MI)	Tiberi
Michaud	Rohrabacher	Tierney
Miller (FL)	Ros-Lehtinen	Towns
Miller (MI)	Roskam	Turner
Miller (NC)	Ross	Udall (CO)
Miller, Gary	Rothman	Udall (NM)
Miller, George	Roybal-Allard	Upton
Mitchell	Royce	Van Hollen
Mollohan	Ruppersberger	Velázquez
Moore (KS)	Rush	Visclosky
Moore (WI)	Ryan (OH)	Walberg
Moran (KS)	Ryan (WI)	Walden (OR)
Moran (VA)	Salazar	Walsh (NY)
Murphy (CT)	Sánchez, Linda T.	Walz (MN)
Murphy, Patrick		Wasserman Schultz
Murphy, Tim	Sanchez, Loretta	
Murtha	Sarbanes	Waters
Nadler	Saxton	Watson
Napolitano	Schakowsky	Watt
Neal (MA)	Schiff	Waxman
Neugebauer	Schmidt	Weiner
Nunes	Schwartz	Welch (VT)
Oberstar	Scott (GA)	Weldon (FL)
Obey	Scott (VA)	Weller
Olver	Sestak	Westmoreland
Ortiz	Shays	Wexler
Pallone	Shea-Porter	Whitfield
Pascrell	Sherman	Wicker
Pastor	Shimkus	Wilson (NM)
Payne	Shuler	Wilson (SC)
Pearce	Shuster	Wolf
Perlmutter	Simpson	Woolsey
Peterson (MN)	Sires	Wu
Peterson (PA)	Skelton	Wynn
Petri	Slaughter	Yarmuth
Pickering	Smith (NE)	Young (AK)
Platts	Smith (NJ)	Young (FL)
Poe	Smith (TX)	

NAYS—38

Barton (TX)	Flake	McHenry
Blackburn	Foxx	Musgrave
Broun (GA)	Franks (AZ)	Myrick
Burton (IN)	Garrett (NJ)	Paul
Buyer	Gingrey	Pence
Campbell (CA)	Hensarling	Pitts
Conaway	Herger	Price (GA)
Cubin	Jordan	Sali
Culberson	King (IA)	Sensenbrenner
Davis (KY)	Kingston	Sessions
Davis, David	Lamborn	Shadegg
Doolittle	Linder	Wamp
Duncan	Marchant	

NOT VOTING—16

Ackerman	Jindal	Serrano
Berman	Johnson, E. B.	Smith (WA)
Carson	Lowey	Tancredo
Conyers	Matsui	Wilson (OH)
Gordon	Meek (FL)	
Granger	Pryce (OH)	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are reminded there are 2 minutes remaining on this vote.

□ 1810

Mr. ROYCE changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CONYERS. Mr. Speaker, unfortunately, I was unable to be present for the rollcall votes on H.R. 2095, the Federal Railroad Safety Improvement Act and the Republican motion to recommit. Had I been present, I would have voted ''yea'' on H.R. 2095 and ''nay'' on the motion to recommit.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 2095, FEDERAL RAILROAD SAFETY IMPROVEMENT ACT OF 2007

Mr. OBERSTAR. Mr. Speaker, I ask unanimous consent that in the engrossment of H.R. 2095, the Clerk be authorized to correct section numbers, punctuation, cross-references, and to make such other technical and conforming changes as may be necessary to accurately reflect the actions of the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

□ 1815

RECOGNIZING COMMUNITY CHRISTIAN ACADEMY

(Mr. DAVIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Kentucky. Madam Speaker, I rise this evening to recognize the achievements of Community Christian Academy in Independence, Kentucky.

Founded in 1983 by the Community Pentecostal Church, the academy was born out of a strong desire to provide a first-rate education rooted in the fundamentals of Christianity. What began as a small school has grown into one of the most respected private schools in northern Kentucky.

The academy offers curriculum from kindergarten through high school. Recent years have seen the school and its facilities grow by leaps and bounds, becoming a fixture in the community. CCA is accredited through the International Christian Accrediting Association and the Non-Public School Commission of Kentucky.

The academy is known for its family-oriented atmosphere that emphasizes the participation of the entire family in the education of their 200 students.

Recently, CCA was recognized by Cincinnati Magazine as one of the best private high schools in the greater Cincinnati area. This achievement would not be possible without the support of an outstanding staff and faculty, guided by Principal Tara Bates.

I am pleased to recognize the achievements of students, parents and educators at the Community Christian Academy. For over 20 years, CCA has produced highly educated students in God's image. Tonight, I would ask my colleagues to join me in recognizing their commitment to excellence in education, dedication to their students and to thank them for their contributions to our community.

HONORING STAFF SERGEANT LILLIAN CLAMENS

(Mr. MARIO DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARIO DIAZ-BALART of Florida. Madam Speaker, I rise today in honor of Staff Sergeant Lillian Clamens, who was killed in Iraq on October 10, 2 days before she was scheduled to come home, when insurgents launched a rocket attack on her unit. I want to extend my deepest condolences to her husband, Raymond, her three children, Victoria, Alana, and Ayinde, her parents and all of her family and friends.

Staff Sergeant Clamens was a true American patriot devoted to her family and her country. She served in the Army Reserve for more than 15 years and was assigned to the 1st Postal Platoon, 834th Adjutant General Company, in Miami. Prior to her deployment, she worked as an administrative clerk at the U.S. Southern Command in Doral.

She exemplified the best our Nation has to offer: a loving mother of three children, a devoted wife, and a soldier selflessly committed to serving our country.

Madam Speaker, her life will continue to inspire all those who knew her and many who frankly did not know her. The United States and our world is a far better place because of her service. The best way to honor her is to replicate her devotion to her country and her family.

She gave the ultimate sacrifice to help defend our freedoms and advance liberty for so many others. She was a true American hero whose dedication to freedom and family, Madam Speaker, made a difference in this world. I join all Americans in expressing my deepest sympathies to the family and friends of Staff Sergeant Lillian Clamens. Her commitment to, and sacrifice for, our great Nation will never be forgotten. She has the deepest gratitude and devotion of our Nation.

GITMO VS. FEDERAL PRISON

(Mr. POE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POE. Madam Speaker, we hear much hype about how bad GITMO prison is. That's where we keep prisoners of war, those terrorists that have been captured on the battlefield that have tried to kill Americans. The uninformed have compared the place to a gulag and a dungeon. I have been there and the place is neither.

Be that as it may, some POWs are treated better there than our Border Agents Ramos and Compean, who were sent to Federal prison for shooting a