

21 AN AMENDMENT TO BE OFFERED BY
REPRESENTATIVE KIRK OF
ILLINOIS, OR HIS DESIGNEE,
DEBATABLE FOR 10 MINUTES.

AMENDMENT TO H.R. 3550

OFFERED BY MR. KIRK

Insert the following at the appropriate place:

1 **SEC. ____ . STATE AUTHORITY.**

2 Section 20153 of title 49, United States Code, is
3 amended by adding at the end the following new sub-
4 section:

5 “(k) STATE AUTHORITY.—

6 “(1) IN GENERAL.—Upon application of the
7 Governor of a State, a State may assume responsi-
8 bility for determining the circumstances under which
9 to require the sounding of a locomotive horn when
10 a train approaches and enters upon public highway-
11 rail grade crossings, and for enforcing such require-
12 ments.

13 “(2) REVIEW.—The Secretary shall review any
14 program established by a State pursuant to para-
15 graph (1) every 5 years, and if the Secretary deter-
16 mines that the State program inadequately protects
17 rail, vehicular, and pedestrian safety the Secretary
18 shall, after providing the State with 24 months no-
19 tice of such determination, implement regulations

1 issued by the Secretary under this section in lieu of
2 such State program.”.