

The Honorable Daniel K. Inouye
Ranking Democratic Member
Subcommittee on Surface Transportation and Merchant Marine
Committee on Commerce, Science, and Transportation
United States Senate
Washington, D.C. 20510

Dear Senator Inouye:

I am writing to inform the Congress that the Department of Transportation has transmitted to State and local governments model State railroad trespass and railroad vandalism bills which the Department has prepared pursuant to section 219 of the Federal Railroad Safety Authorization Act of 1994 (Safety Act), 49 U.S.C. § 20151(c). Identical letters are being sent to Senators McCain, Hollings, Hutchison, and to Representatives Shuster, Oberstar, Molinari, and Wise.

According to preliminary figures, in the first ten months of 1996, the Nation experienced an 18.6 percent reduction in the number of rail-highway grade crossing injuries and fatalities, and fatalities and injuries among trespassers other than at rail-highway grade crossings are down 6.6 percent and up .7 percent, respectively, when compared to the same period in 1995. Although these statistics represent the single largest one-year increase in grade crossing safety since records have been kept, we recognize that we must continue and enhance our initiatives in this area.

Supporting this continuing effort, the Department of Transportation's Rail-Highway Crossing Safety Action Plan included initiatives to work with rail industry police and legal staff to synthesize existing State and Federal statutes regarding trespass and vandalism prevention and to develop model legislation for consideration by State legislatures. Congress affirmed the validity of these initiatives by passing the Safety Act, which requires the Secretary of Transportation, in consultation with State and local governments and railroad carriers, to develop and make available to State and local governments model State legislation covering trespassing and vandalism on railroad property.

In response, the Department, through a collaborative process with interested parties, has developed model State legislation that, if adopted, should help curb the serious problem of trespassing and vandalism on railroad property. A summary of steps the Federal Railroad Administration (FRA) took to develop the model legislation, and highlights of the two model bills are enclosed for your review (Enclosure 1). Enclosure 2 is a copy of the model State bill on railroad trespass and the model State bill on railroad vandalism, along with their respective section-by-section analyses, and Enclosure 3 is a compilation of existing State laws. A copy of the attendee or guest lists from FRA's four regional conferences on trespassing and vandalism, which underscores the broad outreach effort undertaken in support of this initiative, is available for your review upon request.

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I recommend that State and local governments enact the model State bills in order to reduce deaths, injuries, and property damage caused by trespassers and vandals on railroad property. I appreciate your continuing interest in and support of transportation safety.

If you need further assistance, please contact me or Steven Palmer, Assistant Secretary for Governmental Affairs at (202) 366-4573.

Sincerely,

Rodney E. Slater

Enclosures