

**The Administration's Rail Safety Reauthorization Bill:
the Federal Railroad Safety Improvement Act¹**

- **Required Reports to National Crossing Inventory (§ 101)**

Currently, information on the characteristics of highway-rail crossings is provided by railroads and States on a voluntary basis for compilation in FRA's national inventory of crossings, the country's only nationwide database. Because significant blocks of information go unreported, and some is very out of date, this section makes submission of reports on the crossings mandatory. The information is critical to accurately determining which crossings need enhanced warning systems. The new provision will assure the integrity and usefulness of the database for identifying high-risk crossings that should be improved or eliminated and will allow the States to channel Federal funds to the most hazardous crossings first.

- **Clarification that the Secretary of Transportation's Rail Safety Regulatory Authority Includes the Authority to Address Threats to Railroad Security (§ 102)**

Makes explicit that the Secretary of Transportation's authority to issue rules and orders for every area of railroad safety includes the authority to issue rules and orders addressing the security of railroad operations.

- **Authority to Prescribe Noise Rules for High-Speed Rail (§ 103)**

Current regulations set maximum noise emissions based upon individual pieces of rail equipment. At speeds greater than 150 mph, aerodynamic noise would cause high-speed rail technologies to exceed the 20-year-old Environmental Protection Agency standards. This provision provides the Secretary authority to prescribe rules, with the concurrence of EPA, to regulate the unique noise emissions received along the right-of-way due to the passage of a high-speed train operating at over 150 mph.

- **Accident Reporting Amendments (§ 104)**

Repeals requirement that railroads' accident reports to the Secretary be made under oath and gives Secretary the discretion to set the reporting interval, which is now monthly. This section would reduce paperwork by eliminating notarization requirement. Current penalties for falsifying reports continue.

¹The bill has been transmitted to Congress under a letter from Secretary Norman Mineta dated July 11, 2003.

- **Radio Monitoring Authority (§ 105)**

Current company rules require that all railroad radio communications relate to railroad operations. This section permits the Secretary authorize subordinates to monitor the communications outside the presence of railroad personnel for the purpose of accident prevention (including accident investigation) and, with certain exceptions, to use the information received. The exceptions are that the Secretary (1) may not use the information as direct evidence for railroad safety enforcement but may use it for impeachment purposes in certain rail safety proceedings unless it was obtained solely for the purpose of accident investigation and (2) may not release the information under the Freedom of Information Act.

- **Clarified U.S. District Courts' Jurisdiction over Certain Civil Enforcement Actions (§ 106)**

Provides specificity to current rail safety statutory authorizations for civil suits by the Attorney General:

(1) Currently, law allows suit for injunctions against violations of rail regulations, but not statutes. This clarifies application to both.

(2) Currently, law does not specifically permit suit to enforce administrative requests for production of documents and other tangible things or requests for testimony by deposition under any of the rail safety laws. Makes explicit the enforceability of these administrative discovery devices.

(3) Currently, suit may be brought to collect civil penalty settlements under the former Federal Railroad Safety Act of 1970, but not under the fundamental pre-existing rail safety statutes. Clarifies application to both.

(4) Consistent with #3 above, clarifies authority to enforce subpoenas under the older safety statutes.

- **Slightly Revised Civil Penalty Provisions (§ 107)**

Cross references (primarily for notification/clarification to the rail community) the existing general statutory requirement to adjust civil penalties for inflation.

Extends existing authority for offset collection of penalties and settlements to the hours of service laws and other older safety statutes.

Other Provisions

- **Elimination of Obsolete Provisions, E.g., Mandates Already Executed (§ 201)**

- **Convenient, Alternate Names for the Recodified Rail Safety Statutes (§ 202)**

- **Reauthorization Period: 4 years (FY 2004-2007) (§ 203)**