

1       “(c) REGULATIONS.—Not later than April 1, 2010,  
2 the Secretary of Transportation, in coordination with the  
3 Secretary of Labor, shall prescribe regulations to imple-  
4 ment subsection (a)(1) to protect the safety and health  
5 of any employees and individuals employed to maintain the  
6 right of way of a railroad carrier that uses camp cars,  
7 which shall require that all camp cars comply with those  
8 regulations by December 31, 2010. In prescribing the reg-  
9 ulations, the Secretary shall assess the action taken by any  
10 railroad carrier to fully retrofit or replace its camp cars  
11 pursuant to this section.

12       “(d) COMPLIANCE AND ENFORCEMENT.—The Sec-  
13 retary shall determine whether a railroad carrier has fully  
14 retrofitted or replaced a camp car pursuant to subsection  
15 (b) and shall prohibit the use of any non-compliant camp  
16 car. The Secretary may assess civil penalties pursuant to  
17 chapter 213 for violations of this section.”.

18       **TITLE V—RAIL PASSENGER**  
19       **DISASTER FAMILY ASSISTANCE**  
20       **SEC. 501. ASSISTANCE BY NATIONAL TRANSPORTATION**  
21               **SAFETY BOARD TO FAMILIES OF PAS-**  
22               **SENGERS INVOLVED IN RAIL PASSENGER AC-**  
23               **CIDENTS.**

24       (a) IN GENERAL.—Chapter 11 is amended by adding  
25 at the end of subchapter III the following:

1 **“§ 1139. Assistance to families of passengers involved**  
2 **in rail passenger accidents**

3 “(a) IN GENERAL.—As soon as practicable after  
4 being notified of a rail passenger accident within the  
5 United States involving a rail passenger carrier and result-  
6 ing in a major loss of life, the Chairman of the National  
7 Transportation Safety Board shall—

8 “(1) designate and publicize the name and  
9 phone number of a director of family support serv-  
10 ices who shall be an employee of the Board and shall  
11 be responsible for acting as a point of contact within  
12 the Federal Government for the families of pas-  
13 sengers involved in the accident and a liaison be-  
14 tween the rail passenger carrier and the families;  
15 and

16 “(2) designate an independent nonprofit organi-  
17 zation, with experience in disasters and post trauma  
18 communication with families, which shall have pri-  
19 mary responsibility for coordinating the emotional  
20 care and support of the families of passengers in-  
21 volved in the accident.

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

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

1           “(2) communicating with the families of pas-  
2           sengers involved in the accident as to the roles, with  
3           respect to the accident and the post-accident activi-  
4           ties, of—

5                   “(A) the organization designated for an ac-  
6                   cident under subsection (a)(2);

7                   “(B) Government agencies; and

8                   “(C) the rail passenger carrier involved.

9           “(c) RESPONSIBILITIES OF DESIGNATED ORGANIZA-  
10          TION.—The organization designated for an accident under  
11          subsection (a)(2) shall have the following responsibilities  
12          with respect to the families of passengers involved in the  
13          accident:

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

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

20                   “(3) To meet with the families who have trav-  
21                   eled to the location of the accident, to contact the  
22                   families unable to travel to such location, and to  
23                   contact all affected families periodically thereafter  
24                   until such time as the organization, in consultation  
25                   with the director of family support services des-

1       ignated for the accident under subsection (a)(1), de-  
2       termines that further assistance is no longer needed.

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

5       “(d) PASSENGER LISTS.—

6           “(1) REQUESTS FOR PASSENGER LISTS.—

7           “(A) REQUESTS BY DIRECTOR OF FAMILY  
8       SUPPORT SERVICES.—It shall be the responsi-  
9       bility of the director of family support services  
10      designated for an accident under subsection  
11      (a)(1) to request, as soon as practicable, from  
12      the rail passenger carrier involved in the acci-  
13      dent a list, which is based on the best available  
14      information at the time of the request, of the  
15      names of the passengers that were aboard the  
16      rail passenger carrier’s train involved in the ac-  
17      cident. A rail passenger carrier shall use rea-  
18      sonable efforts, with respect to its unreserved  
19      trains, and passengers not holding reservations  
20      on its other trains, to ascertain the names of  
21      passengers aboard a train involved in an acci-  
22      dent.

23           “(B) REQUESTS BY DESIGNATED ORGANI-  
24      ZATION.—The organization designated for an  
25      accident under subsection (a)(2) may request

1 from the rail passenger carrier involved in the  
2 accident a list described in subparagraph (A).

3 “(2) USE OF INFORMATION.—Except as pro-  
4 vided in subsection (k), the director of family sup-  
5 port services and the organization may not release to  
6 any person information on a list obtained under  
7 paragraph (1) but may provide information on the  
8 list about a passenger to the family of the passenger  
9 to the extent that the director of family support  
10 services or the organization considers appropriate.

11 “(e) CONTINUING RESPONSIBILITIES OF THE  
12 BOARD.—In the course of its investigation of an accident  
13 described in subsection (a), the Board shall, to the max-  
14 imum extent practicable, ensure that the families of pas-  
15 sengers involved in the accident—

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

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

22 “(f) USE OF RAIL PASSENGER CARRIER RE-  
23 SOURCES.—To the extent practicable, the organization  
24 designated for an accident under subsection (a)(2) shall  
25 coordinate its activities with the rail passenger carrier in-

1 volved in the accident to facilitate the reasonable use of  
2 the resources of the carrier.

3 “(g) PROHIBITED ACTIONS.—

4 “(1) ACTIONS TO IMPEDE THE BOARD.—No  
5 person (including a State or political subdivision  
6 thereof) may impede the ability of the Board (in-  
7 cluding the director of family support services des-  
8 ignated for an accident under subsection (a)(1)), or  
9 an organization designated for an accident under  
10 subsection (a)(2), to carry out its responsibilities  
11 under this section or the ability of the families of  
12 passengers involved in the accident to have contact  
13 with one another.

14 “(2) UNSOLICITED COMMUNICATIONS.—No un-  
15 solicited communication concerning a potential ac-  
16 tion or settlement offer for personal injury or wrong-  
17 ful death may be made by an attorney (including  
18 any associate, agent, employee, or other representa-  
19 tive of an attorney) or any potential party to the liti-  
20 gation, including the railroad carrier or rail pas-  
21 senger carrier, to an individual (other than an em-  
22 ployee of the rail passenger carrier) injured in the  
23 accident, or to a relative of an individual involved in  
24 the accident, before the 45th day following the date  
25 of the accident.

1           “(3) PROHIBITION ON ACTIONS TO PREVENT  
2           MENTAL HEALTH AND COUNSELING SERVICES.—No  
3           State or political subdivision thereof may prevent the  
4           employees, agents, or volunteers of an organization  
5           designated for an accident under subsection (a)(2)  
6           from providing mental health and counseling services  
7           under subsection (c)(1) in the 30-day period begin-  
8           ning on the date of the accident. The director of  
9           family support services designated for the accident  
10          under subsection (a)(1) may extend such period for  
11          not to exceed an additional 30 days if the director  
12          determines that the extension is necessary to meet  
13          the needs of the families and if State and local au-  
14          thorities are notified of the determination.

15          “(h) DEFINITIONS.—In this section:

16                 “(1) RAIL PASSENGER ACCIDENT.—The term  
17                 ‘rail passenger accident’ means any rail passenger  
18                 disaster resulting in a major loss of life occurring in  
19                 the provision of—

20                         “(A) interstate intercity rail passenger  
21                         transportation (as such term is defined in sec-  
22                         tion 24102); or

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

1           regardless of its cause or suspected cause.

2           “(2) RAIL PASSENGER CARRIER.—The term  
3           ‘rail passenger carrier’ means a rail carrier pro-  
4           viding—

5           “(A) interstate intercity rail passenger  
6           transportation (as such term is defined in sec-  
7           tion 24102); or

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

11          except that such term does not include a tourist, his-  
12          toric, scenic, or excursion rail carrier.

13          “(3) PASSENGER.—The term ‘passenger’ in-  
14          cludes—

15          “(A) an employee of a rail passenger car-  
16          rier aboard a train;

17          “(B) any other person aboard the train  
18          without regard to whether the person paid for  
19          the transportation, occupied a seat, or held a  
20          reservation for the rail transportation; and

21          “(C) any other person injured or killed in  
22          a rail passenger accident, as determined appro-  
23          priate by the Board.

24          “(i) LIMITATION ON STATUTORY CONSTRUCTION.—

25          Nothing in this section may be construed as limiting the



1 actions that a rail passenger carrier may take, or the obli-  
2 gations that a rail passenger carrier may have, in pro-  
3 viding assistance to the families of passengers involved in  
4 a rail passenger accident.

5 “(j) RELINQUISHMENT OF INVESTIGATIVE PRI-  
6 ORITY.—

7 “(1) GENERAL RULE.—This section (other than  
8 subsection (g)) shall not apply to a railroad pas-  
9 senger accident if the Board has relinquished inves-  
10 tigative priority under section 1131(a)(2)(B) and the  
11 Federal agency to which the Board relinquished in-  
12 vestigative priority is willing and able to provide as-  
13 sistance to the victims and families of the pas-  
14 sengers involved in the accident.

15 “(2) BOARD ASSISTANCE.—If this section does  
16 not apply to a railroad passenger accident because  
17 the Board has relinquished investigative priority  
18 with respect to the accident, the Board shall assist,  
19 to the maximum extent possible, the agency to which  
20 the Board has relinquished investigative priority in  
21 assisting families with respect to the accident.

22 “(k) SAVINGS CLAUSE.—Nothing in this section shall  
23 be construed to abridge the authority of the Board or the  
24 Secretary of Transportation to investigate the causes or  
25 circumstances of any rail accident, including development

1 of information regarding the nature of injuries sustained  
2 and the manner in which they were sustained for the pur-  
3 poses of determining compliance with existing laws and  
4 regulations or for identifying means of preventing similar  
5 injuries in the future, or both.”.

6 (b) CONFORMING AMENDMENT.—The chapter anal-  
7 ysis for chapter 11 is amended by inserting after the item  
8 relating to section 1138 the following:

“1139. Assistance to families of passengers involved in rail passenger acci-  
dents.”.

9 **SEC. 502. RAIL PASSENGER CARRIER PLAN TO ASSIST FAM-**  
10 **ILIES OF PASSENGERS INVOLVED IN RAIL**  
11 **PASSENGER ACCIDENTS.**

12 (a) IN GENERAL.—Chapter 243 is amended by add-  
13 ing at the end the following:

14 **“§ 24316. Plans to address needs of families of pas-**  
15 **sengers involved in rail passenger acci-**  
16 **dents**

17 “(a) SUBMISSION OF PLAN.—Not later than 6  
18 months after the date of the enactment of the Rail Safety  
19 Improvement Act of 2008, a rail passenger carrier shall  
20 submit to the Chairman of the National Transportation  
21 Safety Board, the Secretary of Transportation, and the  
22 Secretary of Homeland Security a plan for addressing the  
23 needs of the families of passengers involved in any rail