

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

1 passenger accident involving a rail passenger carrier inter-
2 city train and resulting in a major loss of life.

3 “(b) CONTENTS OF PLANS.—A plan to be submitted
4 by a rail passenger carrier under subsection (a) shall in-
5 clude, at a minimum, the following:

6 “(1) A process by which a rail passenger carrier
7 will maintain and provide to the National Transpor-
8 tation Safety Board, the Secretary of Transpor-
9 tation, and the Secretary of Homeland Security im-
10 mediately upon request, a list (which is based on the
11 best available information at the time of the request)
12 of the names of the passengers aboard the train
13 (whether or not such names have been verified), and
14 will periodically update the list. The plan shall in-
15 clude a procedure, with respect to unreserved trains
16 and passengers not holding reservations on other
17 trains, for the rail passenger carrier to use reason-
18 able efforts to ascertain the names of passengers
19 aboard a train involved in an accident.

20 “(2) A process for notifying the families of the
21 passengers, before providing any public notice of the
22 names of the passengers, either by utilizing the serv-
23 ices of the organization designated for the accident
24 under section 1139(a)(2) of this title or the services
25 of other suitably trained individuals.

1 “(3) A plan for creating and publicizing a reli-
2 able, toll-free telephone number within 4 hours after
3 such an accident occurs, and for providing staff, to
4 handle calls from the families of the passengers.

5 “(4) A process for providing the notice de-
6 scribed in paragraph (2) to the family of a pas-
7 senger as soon as the rail passenger carrier has
8 verified that the passenger was aboard the train
9 (whether or not the names of all of the passengers
10 have been verified).

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

16 “(6) A process by which the family of each pas-
17 senger will be consulted about the disposition of all
18 remains and personal effects of the passenger within
19 the control of the rail passenger carrier and by
20 which any possession of the passenger within the
21 control of the rail passenger carrier (regardless of its
22 condition)—

23 “(A) will be retained by the rail passenger
24 carrier for at least 18 months; and

1 “(B) will be returned to the family unless
2 the possession is needed for the accident inves-
3 tigation or any criminal investigation.

4 “(7) A process by which the treatment of the
5 families of nonrevenue passengers will be the same
6 as the treatment of the families of revenue pas-
7 sengers.

8 “(8) An assurance that the rail passenger car-
9 rier will provide adequate training to the employees
10 and agents of the carrier to meet the needs of sur-
11 vivors and family members following an accident.

12 “(9) An assurance that the family of each pas-
13 senger or other person killed in the accident will be
14 consulted about construction by the rail passenger
15 carrier of any monument to the passengers, includ-
16 ing any inscription on the monument.

17 “(10) An assurance that the rail passenger car-
18 rier will work with any organization designated
19 under section 1139(a)(2) of this title on an ongoing
20 basis to ensure that families of passengers receive an
21 appropriate level of services and assistance following
22 each accident.

23 “(11) An assurance that the rail passenger car-
24 rier will provide reasonable compensation to any or-

1 organization designated under section 1139(a)(2) of
2 this title for services provided by the organization.

3 “(c) USE OF INFORMATION.—Neither the National
4 Transportation Safety Board, the Secretary of Transpor-
5 tation, the Secretary of Homeland Security, nor a rail pas-
6 senger carrier may release to the public any personal in-
7 formation on a list obtained under subsection (b)(1), but
8 may provide information on the list about a passenger to
9 the passenger’s family members to the extent that the
10 Board or a rail passenger carrier considers appropriate.

11 “(d) LIMITATION ON STATUTORY CONSTRUCTION.—

12 “(1) RAIL PASSENGER CARRIERS.—Nothing in
13 this section may be construed as limiting the actions
14 that a rail passenger carrier may take, or the obliga-
15 tions that a rail passenger carrier may have, in pro-
16 viding assistance to the families of passengers in-
17 volved in a rail passenger accident.

18 “(2) INVESTIGATIONAL AUTHORITY OF BOARD
19 AND SECRETARY.—Nothing in this section shall be
20 construed to abridge the authority of the Board or
21 the Secretary of Transportation to investigate the
22 causes or circumstances of any rail accident, includ-
23 ing the development of information regarding the
24 nature of injuries sustained and the manner in
25 which they were sustained, for the purpose of deter-

1 mining compliance with existing laws and regula-
2 tions or identifying means of preventing similar inju-
3 ries in the future.

4 “(e) LIMITATION ON LIABILITY.—A rail passenger
5 carrier shall not be liable for damages in any action
6 brought in a Federal or State court arising out of the per-
7 formance of the rail passenger carrier in preparing or pro-
8 viding a passenger list, or in providing information con-
9 cerning a train reservation, pursuant to a plan submitted
10 by the rail passenger carrier under subsection (b), unless
11 such liability was caused by conduct of the rail passenger
12 carrier which was grossly negligent or which constituted
13 intentional misconduct.

14 “(f) DEFINITIONS.—In this section, the terms ‘pas-
15 senger’ and ‘rail passenger accident’ have the meaning
16 given those terms by section 1139 of this title.

17 “(g) FUNDING.—Out of funds appropriated pursuant
18 to section 20117(a)(1)(A), there shall be made available
19 to the Secretary of Transportation \$500,000 for fiscal
20 year 2010 to carry out this section. Amounts made avail-
21 able pursuant to this subsection shall remain available
22 until expended.”.

23 (b) CONFORMING AMENDMENT.—The chapter anal-
24 ysis for chapter 243 is amended by inserting after the item
25 relating to section 24315 the following:

“24316.Plan to assist families of passengers involved in rail passenger accidents.”.

1 **SEC. 503. ESTABLISHMENT OF TASK FORCE.**

2 (a) ESTABLISHMENT.—The Secretary, in cooperation
3 with the National Transportation Safety Board, organiza-
4 tions potentially designated under section 1139(a)(2) of
5 title 49, United States Code, rail passenger carriers (as
6 defined in section 1139(h)(2) of title 49, United States
7 Code), and families which have been involved in rail acci-
8 dents, shall establish a task force consisting of representa-
9 tives of such entities and families, representatives of rail
10 passenger carrier employees, and representatives of such
11 other entities as the Secretary considers appropriate.

12 (b) MODEL PLAN AND RECOMMENDATIONS.—The
13 task force established pursuant to subsection (a) shall de-
14 velop—

15 (1) a model plan to assist rail passenger car-
16 riers in responding to passenger rail accidents;

17 (2) recommendations on methods to improve
18 the timeliness of the notification provided by pas-
19 senger rail carriers to the families of passengers in-
20 volved in a passenger rail accident;

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

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

5 (c) REPORT.—Not later than 1 year after the date
6 of the enactment of this Act, the Secretary shall transmit
7 a report to the House of Representatives Committee on
8 Transportation and Infrastructure and the Senate Com-
9 mittee on Commerce, Science, and Transportation con-
10 taining the model plan and recommendations developed by
11 the task force under subsection (b).

12 **TITLE VI—CLARIFICATION OF**
13 **FEDERAL JURISDICTION**
14 **OVER SOLID WASTE FACILI-**
15 **TIES**

16 **SEC. 601. SHORT TITLE.**

17 This title may be cited as the “Clean Railroads Act
18 of 2008”.

19 **SEC. 602. CLARIFICATION OF GENERAL JURISDICTION**
20 **OVER SOLID WASTE TRANSFER FACILITIES.**

21 Section 10501(c)(2) is amended to read as follows:

22 “(2) Except as provided in paragraph (3), the Board
23 does not have jurisdiction under this part over—

24 “(A) mass transportation provided by a local
25 government authority; or