

Summary of H.R. 2095
The Rail Safety Improvement Act of 2008
As enacted by Congress on October 1, 2008

Division A- The Rail Safety Improvement Act of 2008

1) Summary and Overall Funding

This legislation reauthorizes the Federal Railroad Administration (FRA) and provides \$1.65 billion for the nation's rail safety program for fiscal years 2009 through 2013. It also clarifies that the primary mission of the FRA is to ensure safety on the nation's railways, creates a new Chief Safety Officer and provides resources for an additional 200 safety and rail inspection employees. The legislation increases penalties for violations of safety laws and gives FRA more enforcement tools. The legislation also contains provisions to improve the conditions of rail bridges and tunnels.

2) Hours of Service Reform

The bill revises the Hours of Service (HOS) requirements for rail and signal employees. However, the bill retains a provision added to the Senate version of the bill that would exempt commuter rail operators from the new HOS regime if the FRA develops a satisfactory alternative within three years. The new HOS regime:

- limits the total on-duty and limbo time for rail and signal employees to 276 hours per month;
- limits total allowable shift time for employees to 12 consecutive hours;
- increases uninterrupted off-duty hours from 8 to 10 hours in a 24 hour period;
- requires 2 consecutive days off after 6 consecutive days worked and 3 consecutive days off after 7 consecutive days worked; and
- reduces allowable "limbo" time to 40 hours per month, then 30 hours per month after one year.

3) Positive Train Control

The bill requires the implementation of "interoperable" positive train control systems for Class I freight and passenger rail carriers by December 31, 2015. It also authorizes \$250 million in "Railroad Safety Technology Grants" (\$50 million per year) to help operators implement the technology. The grants require a 20% local match, and priority will be given to projects that advance PTC technology and benefit both freight and passenger rail.

- "Positive Train Control" is defined as: *a system designed to prevent train-to-train collisions, over-speed derailments, incursions into established work zone limits, and the movement of a train through a switch left in the wrong position.*
- "Interoperability" is defined as: *the ability to control locomotives of the host railroad and tenant railroad to communicate with and respond to the positive train control system, including uninterrupted movements over property boundaries.*

4) Locomotive Cab Safety

The bill requires the FRA to conduct a study on the use of cell phones and other personal electronic devices by rail safety employees. It allows the Department of Transportation

(DOT) to establish new regulations on the use of personal electronic devices based on the results of the study.

5) Grade Crossing Safety

The legislation contains a number of provisions to improve safety at grade crossings, including: establishes a toll-free number to report grade crossing problems; requires FRA to develop model legislation for states to assist in maintaining safe sight-lines and crossings free of debris; establishes a program to take a national grade-crossing inventory and establishes a grant program to make emergency improvements to damaged crossings.

Division B—The Passenger Rail Investment and Improvement Act of 2008 (Amtrak Reauthorization)

1) Summary and Overall Total Funding:

The legislation reauthorizes Amtrak and provides a total of \$13.06 billion over 5 years to help bring the Northeast Corridor to a state-of-good repair, and encourage the development of new and improved intercity passenger rail service through an 80-20 Federal/State matching grant program. It also provides \$1.5 billion for the planning and development of high-speed rail corridors. The legislation requires a number of reforms to the Amtrak system, including measures to promote on-time performance and the appointment of a new board of directors.

2) Authorization of Appropriations:

The bill increases capital and operating grants to Amtrak. For fiscal year (FY) 2009 to FY 2013—Operating Grants--\$2.95 billion; Capital Grants--\$5.315 billion; Inspector General--\$108 million; Repayment of Long-Term Debt and Capital Leases--\$1.404 billion; State Grant Program for Rail Projects--\$1.9 billion (Congestion Grants--\$325 million set aside); Baltimore Tunnel Upgrade Studies--\$300 million; High-Speed Rail Corridors--\$1.5 billion for grants to States and/or Amtrak to finance the construction and equipment for 11 authorized high-speed rail corridors. The federal maximum federal share of the grants is 80 percent.

3) Overall Program Structure:

The bill increases operating and capital grants to Amtrak, develops state passenger rail corridors, reduces Amtrak's debt, provides funding for high-speed rail corridors, establishes a Request for Projects for high-speed rail proposals, and resolves disputes between commuter and freight railroads.

4) State Passenger Corridors:

The bill creates a new State Capital Grant program for intercity passenger rail projects. The bill provides \$1.9 billion (\$380 million per year) for grants to states to pay for the capital costs of facilities and equipment necessary to provide new or improved passenger rail. The federal share of the grants is up to 80 percent. The Secretary of Transportation would award these grants on a competitive basis for projects based on economic performance, expected ridership, and other factors. Grant recipients under this program are subject to the Railroad Retirement Act of 1974, the Railway Labor Act, and the Railroad Unemployment Insurance

Act. Commuter rail passenger transportation is not eligible for grants under this program. The bill makes clear, however, that commuter rail operations that use track which may be improved under this program will not be considered a rail carrier subject to the rail labor provisions. These grants are also subject to Buy America requirements.

5) Amtrak's Debt:

The legislation helps Amtrak to reduce its debt, authorizing \$1.404 billion (an average of \$280.8 million each year) for debt service through FY 2013. This funding will allow Amtrak to focus its resources on improving existing service and making additional capital and operational improvements.

6) Funding for High-Speed Rail Corridors:

The bill authorizes \$1.5 billion (\$300 million per year) for grants to states and/or Amtrak to finance the construction and equipment for 11 authorized high-speed rail corridors. The federal share of the grants is up to 80 percent. The Secretary of Transportation is required to award these grants on a competitive basis for projects based on economic performance, expected ridership, and other factors.

7) Establishes a Request for Projects for High-Speed Rail Service:

The bill directs the Secretary of Transportation to issue a request for proposals for projects for the financing, design, construction, and operation of 11 federally-designated high speed rail corridors. Proposals would need to meet certain financial, labor, and planning criteria, as well as a detailed description to account for any impacts on existing passenger, commuter, and freight rail traffic to be considered. If the Secretary receives a qualifying proposal, she or he would be directed to form a Commission to study any proposals received. The Secretary would issue a report to the Congress on the Commission's findings and her or his recommendations for each of the corridors. Any further action on a proposal would need legislative approval by Congress.

8) Resolves Disputes between Commuter and Freight Railroads:

Currently, no federal guidelines exist to mediate disputes between commuter rail providers and freight railroads over use of freight tracks or right-of-way, nor is there a standard forum for negotiating commuter rail operating agreements. The bill establishes a forum at the Surface Transportation Board (STB) to help complete stalled commuter rail negotiations, helping the rail network operate as efficiently as possible.

9) Provides Funding for the Washington Metro System:

The bill authorizes \$1.5 billion for FY 2009 through FY 2019 for capital and preventative maintenance grants for the Washington Metropolitan Area Transit Authority ("WMATA"). These funds are not available until WMATA notifies the Secretary of Transportation that certain amendments to the WMATA Compact have taken effect, including an amendment requiring that all payments by local governments for WMATA for matching federal funds authorized in the bill are derived from dedicated funding sources. In addition, these funds may be used only for the maintenance and upkeep of the Washington Metro system and may not be used to increase the mileage of the rail system. The federal share of the grants shall be for 50 percent of the net project cost of the project.

10) Study for ADA Compliance Requirements at Existing Intercity Rail Stations

The bill directs Amtrak, in consultation with station owners and other railroads operating service through the stations that it serves, to evaluate the improvements to make to ensure compliance with the Americans with Disabilities Act of 1990. The study will examine improvements required to bring Amtrak and intercity passenger rail carriers into compliance, any potential barriers to achieving compliance, the estimated cost of the improvements, and the earliest practicable date when the improvements can be made. The study will include an assessment of the feasibility of eliminating gaps in passenger platforms to facilitate level boarding.