

118TH CONGRESS
2D SESSION

H. R. 9998

To require the Secretary of Transportation to issue a final rule setting minimum structural standards for railroad bridges, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 18, 2024

Ms. LEE of Pennsylvania (for herself, Mr. DELUZIO, Mrs. CHAVEZ-DEREMÉR, Mr. KENNEDY, Mr. GOLDMAN of New York, Ms. MOORE of Wisconsin, Ms. NORTON, Ms. LEE of California, Mrs. RAMIREZ, Ms. TLAIIB, Ms. BROWNLEY, Ms. OCASIO-CORTEZ, Mr. KHANNA, Mrs. WATSON COLEMAN, Mr. CARTER of Louisiana, Ms. SALINAS, Ms. TITUS, Mr. JOHNSON of Georgia, Ms. BUSH, Mr. GARCÍA of Illinois, Ms. BUDZINSKI, and Mr. COHEN) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To require the Secretary of Transportation to issue a final rule setting minimum structural standards for railroad bridges, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Rail Bridge Safety and
5 Transparency Act”.

1 **SEC. 2. RAILROAD BRIDGE SAFETY.**

2 (a) IN GENERAL.—Section 20145 of title 49, United
3 States Code is amended to read as follows:

4 **“§ 20145. Railroad bridge safety**

5 “(a) DEFINITIONS.—In this section:

6 “(1) CLASS I RAILROAD; CLASS II RAILROAD;
7 CLASS III RAILROAD; RAILROAD; RAILROAD CAR-
8 RIER.—The terms ‘Class I railroad’, ‘Class II rail-
9 road’, ‘Class III railroad’, ‘railroad’, and ‘railroad
10 carrier’—

11 “(A) except as provided in subparagraph
12 (B), have the meanings given such terms in sec-
13 tion 20102; and

14 “(B) do not include—

15 “(i) the National Railroad Passenger
16 Corporation (commonly referred to as ‘Am-
17 trak’); or

18 “(ii) rail carriers that have the prin-
19 cipal purpose of providing commuter rail
20 passenger transportation (as defined in
21 section 24102).

22 “(2) COMPONENT PART.—The term ‘component
23 part’, with respect to a railroad bridge, includes the
24 substructure, superstructure, deck, bearings, rail-
25 ings, joints, and the rails on the track of such
26 bridge.

1 “(3) DEPARTMENT.—The term ‘Department’
2 means the Department of Transportation.

3 “(4) ELIGIBLE REQUESTING PARTY.—The term
4 ‘eligible requesting party’ means a party authorized
5 to request a bridge inspection report in accordance
6 with section 417(d)(2)(A) of the Rail Safety Im-
7 provement Act of 2008 (49 U.S.C. 20103 note).

8 “(5) SECRETARY.—The term ‘Secretary’ means
9 the Secretary of Transportation.

10 “(b) STRENGTHENING STANDARDS FOR RAILROAD
11 BRIDGES.—

12 “(1) RULEMAKING.—Not later than 2 years
13 after the date of the enactment of the Rail Bridge
14 Safety and Transparency Act, the Secretary, using
15 other standards within the Department as models,
16 shall issue a final rule establishing minimum struc-
17 tural and safety standards for railroad bridges and
18 their component parts, including—

19 “(A) minimum requirements for a railroad
20 bridge and its component parts to be classified
21 in poor, fair, or good condition; and

22 “(B) the amount of corrosion, cracking,
23 spalling, and rusting permissible for each such
24 condition.

25 “(2) BRIDGE INSPECTION REPORTS.—

1 “(A) INCLUSION OF CERTAIN INFORMA-
2 TION.—Not later than 2 years after the initial
3 publication of the standards described in para-
4 graph (1), all railroads carriers shall—

5 “(i) include information in their
6 bridge inspection reports indicating wheth-
7 er each bridge for which such railroad car-
8 rier is responsible—

9 “(I) meets minimum structural
10 and safety standards;

11 “(II) is in poor, fair, or good con-
12 dition; and

13 “(III) has component parts in
14 poor, fair, or good condition; and

15 “(ii) for each bridge in poor condition,
16 include—

17 “(I) an estimate of how long the
18 bridge can remain in service;

19 “(II) a timeline for planned re-
20 pairs, rehabilitation, or replacement of
21 the bridge; and

22 “(III) an estimate of the cost to
23 perform such actions.

24 “(B) BRIDGE INSPECTION REPORT DATA-
25 BASE.—

1 “(i) IN GENERAL.—Not later than 5
2 years after the date of the enactment of
3 the Rail Bridge Safety and Transparency
4 Act, the Secretary shall develop, populate,
5 and manage a database of all bridge in-
6 spection reports received from railroad car-
7 riers, which shall be continuously updated
8 with the most recent bridge conditions as
9 indicated in bridge inspection reports pro-
10 vided to the Department.

11 “(ii) PUBLIC AVAILABILITY.—The
12 Secretary shall make available to the pub-
13 lic a version of the database described in
14 clause (i) that includes for each bridge in-
15 spection report only the following informa-
16 tion:

17 “(I) The date of last inspection
18 of the bridge.

19 “(II) The location of the bridge.

20 “(III) The owner of the bridge.

21 “(IV) A determination of whether
22 the bridge is in poor, fair, or good
23 condition.

24 “(V) Any other comments on the
25 condition of the bridge disclosed by

1 the owner, as indicated in the bridge
2 inspection report.

3 “(C) SUBMISSION DEADLINES.—

4 “(i) INITIAL REPORTS.—During the
5 period beginning on the date of the enact-
6 ment of the Rail Bridge Safety and Trans-
7 parency Act and ending on the date on
8 which the database required under sub-
9 paragraph (B) is first established—

10 “(I) not later than 30 days after
11 the receipt of a bridge inspection re-
12 port request from an eligible request-
13 ing party, the Secretary shall request
14 a bridge inspection report from the
15 railroad carrier concerned, and—

16 “(aa) if the request is for 5
17 or fewer railroad bridges, the
18 railroad carrier concerned shall,
19 not later than 30 days after the
20 receipt of such request from the
21 Secretary, submit the bridge in-
22 spection report to the Depart-
23 ment; or

24 “(bb) if the request is be-
25 tween 6 and 50 railroad bridges,

1 the railroad carrier concerned
2 shall, not later than 90 days
3 after the receipt of such request
4 from the Secretary, submit the
5 bridge inspection report to the
6 Department; and

7 “(II) not later than 14 days after
8 the receipt of a bridge inspection re-
9 port submitted in accordance with
10 item (aa) or (bb) of subclause (I), the
11 Secretary shall submit such bridge in-
12 spection report to the eligible request-
13 ing party.

14 “(ii) FUTURE REPORTS.—After the
15 date on which the database required under
16 subparagraph (B) is first established, the
17 Secretary shall—

18 “(I) not later than 30 days after
19 the receipt of a bridge inspection re-
20 port request from an eligible request-
21 ing party—

22 “(aa) if the requested bridge
23 inspection report is available in
24 the database, submit such report

1 to the eligible requesting party;
2 and

3 “(bb) if the requested infor-
4 mation is not available in the
5 database, request a bridge in-
6 spection report from the railroad
7 carrier concerned; and—

8 “(AA) if the request is
9 for 5 or fewer railroad
10 bridges, the railroad carrier
11 concerned shall, not later
12 than 30 days after the re-
13 ceipt of such request from
14 the Secretary, submit the
15 bridge inspection report to
16 the Department; or

17 “(BB) if the request is
18 between 6 and 50 railroad
19 bridges, the railroad carrier
20 concerned shall, not later
21 than 90 days after the re-
22 ceipt of such request from
23 the Secretary, submit the
24 bridge inspection report to
25 the Department; and

1 “(II) not later than 14 days after
2 the receipt of a bridge inspection re-
3 port submitted by a railroad carrier in
4 accordance with subitem (AA) or
5 (BB) of item (bb), submit such bridge
6 inspection report to the eligible re-
7 questing party.

8 “(c) COORDINATION OF OVERSIGHT OF COASTAL
9 RAILROAD BRIDGES.—The Secretary, in coordination
10 with the Commandant of the Coast Guard, shall issue a
11 final rule establishing minimum structural and safety
12 standards for movable railroad bridges and railroad draw-
13 bridges spanning the navigable waters of the United
14 States, including—

15 “(1) the minimum structural and safety re-
16 quirements for each such bridge and its component
17 parts, including movable parts;

18 “(2) the requirements that each such bridge
19 and its component parts shall meet in order to be
20 considered to be in poor, fair, or good condition;

21 “(3) the requirement that each such bridge be
22 inspected at the same frequency as railroad bridges
23 that are not located above navigable waters; and

1 “(4) requirements for safety inspections that
2 are required if a railroad carrier shifts from in-per-
3 son to remote operation of such a bridge.

4 “(d) FLAGGING OWNERSHIP OF RAILROAD
5 BRIDGES.—Not later than 1 year after the date of the
6 enactment of the Rail Bridge Safety and Transparency
7 Act, each railroad carrier that owns 1 or more railroad
8 bridges shall post a placard or sign in area that is visible
9 to oncoming traffic on (or adjacent to) both ends of each
10 such bridge that identifies—

11 “(1) the railroad carrier that owns the bridge;
12 and

13 “(2) a phone number through which a member
14 of the public can report visible hazards or concerns
15 with respect to such bridge.

16 “(e) RAIL BRIDGE SAFETY CONCERN REPORTING
17 SYSTEM.—

18 “(1) ESTABLISHMENT.—Not later than 2 years
19 after the date of the enactment of the Rail Bridge
20 Safety and Transparency Act, the Secretary shall es-
21 tablish a system, to be known as the Rail Bridge
22 Safety Concern Reporting System (referred to in
23 this subsection as the ‘System’), to report safety
24 concerns regarding the condition of railroad bridges.

1 “(2) DEVELOPMENT.—In developing the Sys-
2 tem, the Secretary shall—

3 “(A) streamline and simplify the data
4 management process within the Department;
5 and

6 “(B) reduce duplicative efforts and maxi-
7 mize available resources, including by inte-
8 grating the Alleged Violation Reporting Form
9 of the Federal Railroad Administration into the
10 System.

11 “(3) SYSTEM FUNCTIONS.—

12 “(A) REPORTING SAFETY CONCERNS.—
13 The Secretary shall use the System to permit
14 any State, political subdivision of a State, or
15 Tribe to report to the Secretary safety concerns
16 regarding the condition of a railroad bridge
17 based on certain factors, including—

18 “(i) physical appearance;

19 “(ii) extreme shaking or excess move-
20 ment during the passage of a train or an
21 extreme weather event;

22 “(iii) components of the railroad
23 bridge falling onto surrounding areas; and

24 “(iv) any other concern that the Sec-
25 retary determines to be significant to the

1 structural or operational safety of the
2 bridge;

3 “(B) INVESTIGATIONS.—If the Secretary
4 determines a report submitted pursuant to sub-
5 paragraph (A) includes a reasonable safety con-
6 cern regarding the structural or operational
7 safety of a bridge, the Secretary shall inves-
8 tigate such safety concern to determine the risk
9 posed by the railroad bridge to—

10 “(i) the operation of the railroad con-
11 cerned;

12 “(ii) the safety of railroad workers;

13 “(iii) the safety the general public;

14 and

15 “(iv) the safety of individuals who tra-
16 verse on, under, or near the railroad
17 bridge, including pedestrians, cyclists, and
18 individuals traveling by motor vehicle or
19 boat.

20 “(C) REPAIR OR SUSPENSION OF USE.—If
21 the Secretary determines that a safety concern
22 investigated pursuant to subparagraph (B)
23 poses a significant threat to the structural or
24 operational safety of the bridge or the safety of
25 any of the parties described in clauses (i)

1 through (iv) of subparagraph (B), the Secretary
2 shall direct the Administrator of the Federal
3 Railroad Administration to coordinate with the
4 railroad concerned to establish a plan that ad-
5 dresses the safety concern, which may include—

6 “(i) requiring the immediate repair of
7 the railroad bridge;

8 “(ii) imposing weight or speed restric-
9 tions on the bridge; and

10 “(iii) any action required by the Sec-
11 retary pursuant to section 20104(a) if the
12 Secretary determines that such safety con-
13 cern—

14 “(I) involves an unsafe condition
15 or practice or a combination of unsafe
16 conditions and practices; or

17 “(II) causes an emergency situa-
18 tion involving an imminent hazard of
19 death, personal injury, or significant
20 harm to the environment.

21 “(D) CIVIL PENALTIES.—

22 “(i) FAILURE TO FINALIZE PLAN.—If
23 a plan required under subparagraph (C) is
24 not finalized within 90 days after a deter-
25 mination by the Secretary pursuant to

1 such subparagraph and the relevant rail-
2 road bridge remains in operation, the Sec-
3 retary shall impose a civil penalty to the
4 railroad concerned in an amount equal to
5 \$1,000 per week until such plan is final-
6 ized.

7 “(ii) COMPLETION OF REPAIRS.—If a
8 safety concern determined by the Secretary
9 pursuant to subparagraph (C)(iii)(II) to
10 pose an imminent hazard of death, per-
11 sonal injury, or significant harm to the en-
12 vironment is not repaired within 1 year
13 after such determination and the relevant
14 railroad bridge remains in operation, the
15 Secretary shall impose a civil penalty to
16 the railroad concerned in an amount equal
17 to \$20,000 per week until such bridge is
18 repaired.

19 “(4) DISCLOSURE OF REPORTED SAFETY CON-
20 CERNS.—The Secretary shall publish, on a publicly
21 available website of the Department of Transpor-
22 tation, a notice of each safety concern involving a
23 railroad bridge that the Secretary determines, pursu-
24 ant to paragraph (3)(C)(iii)(II) to pose an imminent

1 hazard of death, personal injury, or significant harm
2 to the environment, which shall include—

3 “(A) the location of the bridge;

4 “(B) the owner of the bridge;

5 “(C) whether the bridge is in active use;

6 and

7 “(D) whether the railroad that owns the
8 bridge has submitted a plan to address such
9 safety concern.

10 “(5) FUNDS FOR BRIDGE SAFETY PER-
11 SONNEL.—

12 “(A) AUTHORIZATION OF APPROPRIA-
13 TIONS.—In addition to the amounts referred to
14 in subparagraph (B), there are authorized to be
15 appropriated to the Department such additional
16 sums as may be necessary to hire additional
17 bridge safety personnel to carry out this sub-
18 section.

19 “(B) USE OF CIVIL PENALTIES.—All
20 amounts collected from the civil penalties im-
21 posed pursuant to paragraph (3)(D) and sec-
22 tion 1327(c) shall be reserved for hiring addi-
23 tional bridge safety personnel to carry out this
24 section.

1 “(f) RANDOMIZED OBSERVATION OF RAILROAD
2 BRIDGES.—

3 “(1) IN GENERAL.—

4 “(A) NUMBER OF ANNUAL OBSERVA-
5 TIONS.—The Secretary shall annually conduct
6 at least 1 randomized bridge observation for
7 every 500 railroad bridges owned by a railroad
8 carrier.

9 “(B) APPLICATION OF STANDARDS.—For
10 each observation conducted pursuant to this
11 subsection, the Secretary shall inspect the con-
12 dition of each bridge and its component parts
13 in accordance with the standards established
14 pursuant to subsection (c)(1).

15 “(C) SMALL RAILROAD OBSERVATION
16 POOL.—If a railroad carrier owns fewer than
17 500 railroad bridges, such railroad carrier shall
18 be included in a pool of railroad carriers. Not
19 fewer than 5 railroad carriers in such pool shall
20 be selected annually for a randomized observa-
21 tion of at least 1 railroad bridge owned by each
22 selected railroad carrier.

23 “(D) ADVANCE NOTICE.—In carrying out
24 randomized bridge observations under this sec-
25 tion, the Secretary shall not give a railroad car-

1 rier more than 3 days of advance notice of the
2 timing of an observation.

3 “(2) REVIEW.—

4 “(A) IN GENERAL.—The Secretary shall
5 compare the result of each bridge observation to
6 the reported conditions of the applicable bridge
7 in the bridge inspection report provided by the
8 railroad carrier.

9 “(B) DISCREPANCIES.—In the event of a
10 discrepancy between the result of a bridge ob-
11 servation and the conditions of such railroad
12 bridge documented in the most recent bridge in-
13 spection report, the Secretary shall work with
14 the railroad carrier concerned to address defi-
15 ciencies in the inspection system of such rail-
16 road carrier, including by—

17 “(i) improving the training of inspec-
18 tors;

19 “(ii) increasing the frequency of in-
20 spections;

21 “(iii) addressing inspector staffing
22 shortages; and

23 “(iv) revising inspection criteria.

24 “(C) ADDITIONAL INSPECTIONS.—For rail-
25 road carriers that the Secretary has found to

1 have a pattern of discrepancies under subpara-
2 graph (D), the Secretary shall—

3 “(i) increase the number of random-
4 ized observations from the baseline set in
5 paragraph (1);

6 “(ii) establish a priority list of rail-
7 road bridges to be subject to additional ob-
8 servations, based on factors such as the
9 condition of the bridge, the bridge length,
10 the location of the bridge, the safety risk
11 to the community should the bridge fail,
12 the type of freight carried over the bridge,
13 and the frequency of service over the
14 bridge;

15 “(iii) carry out such additional obser-
16 vations with not more than 3 days of ad-
17 vance notice provided to the railroad car-
18 rier; and

19 “(iv) ensure that such additional ob-
20 servations examine the condition of the
21 bridge and are additive to, not a replace-
22 ment of, the normal track inspections, in-
23 cluding visual track inspections, required
24 by the Department.

25 “(D) PATTERN OF DISCREPANCIES.—

1 “(i) DEFINED TERM.—In this sub-
2 paragraph, the term ‘pattern of discrep-
3 ancies’, with respect to a railroad carrier—

4 “(I) means the Secretary has
5 identified 5 or more instances in
6 which conditions reported on the
7 bridge inspection report of such rail-
8 road carrier differed from the results
9 of an observation conducted by the
10 Secretary pursuant to this subsection;
11 and

12 “(II) does not include sudden
13 changes in the condition of a railroad
14 bridge due to a significant event, such
15 as an earthquake or other natural dis-
16 aster.

17 “(ii) EFFECT.—If the Secretary iden-
18 tifies, through randomized observations of
19 railroad bridges of a railroad carrier, a
20 pattern of discrepancies between the rail-
21 road carrier’s bridge inspection report and
22 multiple observations—

23 “(I) such railroad carrier—

1 “(aa) shall be considered to
2 be in violation of this chapter;
3 and

4 “(bb) shall be subject to the
5 civil penalties set forth in section
6 21301; and

7 “(II) not later than 90 days after
8 such identification, the Secretary shall
9 submit a written report to Congress
10 that describes such discrepancies.”.

11 (b) CLERICAL AMENDMENT.—The chapter analysis
12 for chapter 201 of title 49, United States Code, is amend-
13 ed by striking the item relating to section 20145 and in-
14 serting the following:

“20145. Railroad bridge safety.”.

15 **SEC. 3. CONFORMING AMENDMENTS TO THE RAIL SAFETY**
16 **IMPROVEMENT ACT OF 2008.**

17 Section 417(d)(2) of the Rail Safety Improvement
18 Act of 2008 (49 U.S.C. 20103 note) is amended—

19 (1) by striking subparagraph (A) and inserting
20 the following:

21 “(A) IN GENERAL.—

22 “(i) JURISDICTIONAL REQUESTS.—A
23 Member of Congress, a State, or political
24 subdivision of a State may file a request
25 with the Secretary for a public version of

1 the bridge inspection report or reports gen-
2 erated under subsection (b)(5) for bridges
3 located in the congressional district or
4 State of such Member of Congress or in
5 the jurisdiction of such State or political
6 subdivision.

7 “(ii) REQUESTS FROM COMMIT-
8 TEES.—The Chair or Ranking Member of
9 the Committee on Transportation and In-
10 frastructure of the House of Representa-
11 tives or the Chair or Ranking Member of
12 Committee on Commerce, Science, and
13 Transportation of the Senate may file a re-
14 quest with the Secretary for a public
15 version of the bridge inspection report or
16 reports generated under subsection (b)(5)
17 for any bridge in the United States.”.

18 (2) by redesignating subparagraphs (B), (C),
19 and (D) as subparagraphs (C), (D), and (E), respec-
20 tively;

21 (3) by inserting after subparagraph (A) the fol-
22 lowing:

23 “(B) LIMITATION.—A State or political
24 subdivision of a State may request not more
25 than 50 bridge inspection reports under sub-

1 paragraph (A)(i) during any 6-month period.”;
2 and
3 (4) in subparagraph (C), as redesignated, by
4 striking “If the Secretary determines that the re-
5 quest is reasonable, the Secretary” and inserting
6 “The Secretary”.

○