

116TH CONGRESS
2D SESSION

H. R. 6066

To require the Federal Railroad Administration and Amtrak to implement and carry out certain National Transportation Safety Board recommendations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2020

Mr. HECK (for himself, Mr. KILMER, Mr. LARSEN of Washington, and Mr. AMODEI) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To require the Federal Railroad Administration and Amtrak to implement and carry out certain National Transportation Safety Board recommendations, 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 “Passenger Train Safe-
5 ty Act”.

6 **SEC. 2. SAFETY IMPLEMENTATION REQUIREMENTS.**

7 (a) **FEDERAL RAILROAD ADMINISTRATION REQUIRE-**
8 **MENTS.**—Not later than 18 months after the date of en-

1 actment of this Act, the Administrator of the Federal Rail-
2 road Administration shall carry out the following:

3 (1) Complete a study on how signage can be
4 used to improve safety in the rail industry that in-
5 cludes—

6 (A) a review of how signs used for other
7 modes of transportation may be effectively used
8 in the rail industry;

9 (B) a review of how signs used in the rail-
10 road industry differ; and

11 (C) an analysis of whether a uniform sys-
12 tem for speed signs across the entire railroad
13 industry would benefit the railroad industry and
14 improve safety.

15 (2) Reevaluate existing seat securement mecha-
16 nisms and their susceptibility to inadvertent rota-
17 tion, to identify a means to prevent the failure of
18 these devices to maintain seat securement.

19 (3) Conduct research to evaluate the causes of
20 passenger injuries in passenger railcar derailments
21 and evaluate potential methods for mitigating such
22 injuries.

23 (4) For research specified by the National
24 Transportation Safety Board in safety recommenda-
25 tion R-16-35 that identifies safety improvements,

1 use the findings to develop occupant protection
2 standards for passenger railcars that will mitigate
3 passenger injuries likely to occur during derailments
4 and overturns.

5 (b) REQUIREMENTS FOR AMTRAK.—Not later than
6 18 months after the date of enactment of this Act, Amtrak
7 shall—

8 (1) ensure operating crewmembers demonstrate
9 proficiency on the physical characteristics of a terri-
10 tory by using all resources available to them, includ-
11 ing—

12 (A) in-cab instruments, signage, signals,
13 and landmarks;

14 (B) under daylight and nighttime condi-
15 tions; and

16 (C) using observation rides, throttle time,
17 and written examinations;

18 (2) revise classroom and road training pro-
19 grams to ensure that operating crews fully under-
20 stand all locomotive operating characteristics,
21 alarms, and the appropriate response to abnormal
22 conditions;

23 (3) require that all engineers undergo simulator
24 training before operating new or unfamiliar equip-
25 ment (at a minimum, experience and respond prop-

1 erly to all alarms), and when possible, undergo simu-
2 lator training before operating in revenue service in
3 a new territory and experience normal and abnormal
4 conditions on that territory;

5 (4) implement a formal, systematic approach to
6 developing training and qualification programs to
7 identify the most effective strategies for preparing
8 crewmembers to safely operate new equipment on
9 new territories;

10 (5) complete a comprehensive assessment of the
11 territories to ensure that necessary wayside signs
12 and plaques are identified, highly noticeable, and
13 strategically located to provide operating crews the
14 information needed to safely operate their trains;

15 (6) conduct training that specifies and rein-
16 forces how each crewmember, including those who
17 have not received their certifications or qualifica-
18 tions, may be used as a resource to assist in estab-
19 lishing and maintaining safe train operations;

20 (7) update the safety review process to ensure
21 that all operating documents are up to date and ac-
22 curate before initiating new or revised revenue oper-
23 ations;

24 (8) incorporate all prerevenue service planning,
25 construction, and route verification work into the

1 scope of your corporate-wide system safety plan, in-
2 cluding your rules and policies, risk assessment anal-
3 yses, safety assurances, and safety promotions;

4 (9) conduct risk assessments on all new or up-
5 graded services that occur on Amtrak-owned terri-
6 tory, host railroads, or in States that own infra-
7 structure over which you operate; and

8 (10) develop policies for the safe use of child
9 safety seats to prevent uncontrolled or unexpected
10 movements in passenger trains and provide cus-
11 tomers with guidance for securing these child safety
12 seats.

13 **SEC. 3. INWARD- AND OUTWARD-FACING RECORDERS.**

14 Section 20168 of title 49, United States Code, is
15 amended—

16 (1) in subsection (c) by inserting “or an
17 inward- or outward-facing audio recording device for
18 compliance with the requirements of subsection (l)”
19 before the period;

20 (2) by striking subsection (e) and inserting the
21 following:

22 “(e) AUDIO RECORDERS.—Not later than 1 year
23 after the date of the Passenger Train Safety Act, the Sec-
24 retary shall by regulation require each railroad carrier
25 that provides regularly scheduled intercity rail passenger

1 or commuter rail passenger transportation to the public
2 to install inward- and outward-facing audio recording de-
3 vices in or on all controlling locomotive cabs and cab car
4 operating compartments on such passenger trains.”; and

5 (3) in subsection (f)—

6 (A) by striking “subsection (a)” and in-
7 serting “this section”; and

8 (B) by striking “image” and inserting
9 “image or audio”;

10 (4) in subsection (g) by striking “subsection
11 (a)” and inserting “this section”;

12 (5) in subsection (h)—

13 (A) by striking “audio or”;

14 (B) by striking “or transcript of oral com-
15 munications”; and

16 (C) by striking the second sentence;

17 (6) in subsection (j) by striking “image” and
18 inserting “image or audio” each place it appears;

19 and

20 (7) by adding at the end the following:

21 “(k) LIMITATION ON USE OF RECORDED INFORMA-
22 TION.— The Secretary may not use any information col-
23 lected pursuant to this section in a civil penalty or certifi-
24 cate action.

1 “(l) AUDIO RECORDING REQUIREMENTS.—An audio
2 recording device required under this section shall—

3 “(1) operate continuously any time the control-
4 ling locomotive cabs and cab car operating compart-
5 ments is in motion;

6 “(2) have crash and fire protections for any
7 audio recordings that are stored only within a con-
8 trolling locomotive cab or cab car operating compart-
9 ment; and

10 “(3) encrypt all audio recorded by such device.

11 “(m) REVIEW OF AUDIO RECORDINGS.—

12 “(1) PRESERVATION OF CERTAIN RECORD-
13 INGS.—For any audio recorded pursuant to this sec-
14 tion of an accident or incident that is required to be
15 reported to the National Transportation Safety
16 Board, the rail carrier holding such recording shall
17 preserve such recording according to the require-
18 ments of subsection (g).

19 “(2) EXCLUSIVE REVIEW.—The National
20 Transportation Safety Board shall have the exclusive
21 authority to—

22 “(A) decrypt, or provide a decryption key
23 for, an audio recording described in this sec-
24 tion; and

1 “(B) except as provided for in subsection
2 (n), review an audio recording described in this
3 section prior to a public disclosure of such re-
4 cording.

5 “(3) PUBLIC DISCLOSURE OF AUDIO.—Prior to
6 any public disclosure of an audio recorded under this
7 section (as otherwise provided for in law), the Na-
8 tional Transportation Safety Board shall—

9 “(A) remove all personally identifiable in-
10 formation in such recording; and

11 “(B) ensure that the audio recording does
12 not contain any audio recorded earlier than 15
13 minutes before the accident or incident required
14 to be reported to the Board.

15 “(n) LIMITED USE OF AUDIO RECORDINGS BY RAIL
16 CARRIERS.—

17 “(1) IN GENERAL.—Upon request of a rail car-
18 rier, the National Transportation Safety Board may
19 provide a decryption key to such carrier for any
20 audio recording recorded by such carrier under this
21 section, or provide a decrypted version of a recording
22 submitted to the Board under subsection (m), if the
23 Secretary certifies that the rail carrier and all collec-
24 tive bargaining units representing employees of the

1 carrier enter into an agreement that contains the
2 limitations specified in paragraph (2).

3 “(2) ELIGIBLE USE.—An agreement under
4 paragraph (1) shall require that—

5 “(A) the recording transmitted is used for
6 training purposes only; and

7 “(B) the recording is not used for em-
8 ployee discipline or the enforcement of oper-
9 ating rules.”.

10 **SEC. 4. PROHIBITION ON PROVISION OF CERTAIN NEW**
11 **ROUTES.**

12 Section 20157 of title 49, United States Code, is
13 amended by adding at the end the following:

14 “(m) PROHIBITION ON PROVISION OF CERTAIN NEW
15 ROUTES.—An entity providing regularly scheduled inter-
16 city or commuter rail passenger transportation may not
17 begin service on any new route that is subject to the re-
18 quirements of this section unless a positive train control
19 system is fully implemented and operational on such
20 route.”.

21 **SEC. 5. SPEED LIMIT ACTION PLANS.**

22 (a) Section 11406 of the FAST Act (Public Law
23 114–94) is amended—

24 (1) in subsection (a) by striking “survey its en-
25 tire system” and inserting “survey its entire system

1 and any other infrastructure over which such rail-
2 road carrier operates”;

3 (2) by redesignating subsections (d), (e), and
4 (f) as subsections (e), (f), and (g), respectively;

5 (3) by inserting after subsection (c) the fol-
6 lowing:

7 “(d) PERIODIC REVIEWS AND UPDATES.—Each rail-
8 road carrier described under subsection (a) shall—

9 “(1) annually review the speed limit action
10 plans to ensure the effectiveness of actions taken to
11 enable warning and enforcement of the maximum
12 authorized speed for passenger trains at each loca-
13 tion identified under subsection (b)(1); and

14 “(2) not later than 90 days prior to imple-
15 menting any operational or territorial operating
16 changes, such as initiating new service or routes,
17 submit to the Secretary a revised action plan that
18 addresses such operational or territorial operating
19 changes.”; and

20 (4) in subsection (c) by inserting “or subsection
21 (d)(2)” after “subsection (b)”.

22 **SEC. 6. REPORT.**

23 Not later than 18 months after the date of enactment
24 of this Act, the Federal Railroad Administration and Am-
25 trak shall submit to the Committee on Transportation and

1 Infrastructure of the House of Representatives and the
2 Committee on Commerce, Science, and Transportation of
3 the Senate a report on the progress of the implementation
4 of the safety recommendations described in section 3, in-
5 cluding a description of all completed elements of the im-
6 plementation.

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