

**UNITED STATES PUBLIC LAWS
94th Congress - Second Session
Convening January 19, 1976**

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PL **94-348** (HR 11804)
July 8, 1976

An Act to amend the Federal Railroad Safety Act of 1970 to authorize additional appropriations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

Section 1. This Act may be cited as the "Federal Railroad Safety Authorization Act of 1976".

AUTHORIZATION FOR APPROPRIATIONS

Sec. 2. (a) Section 212 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441) is amended to read as follows:

"SEC. 212. AUTHORIZATION FOR APPROPRIATIONS.

"(a) There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$35,000,000 for the fiscal year ending September 30, 1977, and not to exceed \$35,000,000 for the fiscal year ending September 30, 1978.

"(b) Except as provided in subsection (c) of this section, amounts appropriated under subsection (a) of this section for any fiscal year shall be available for expenditure in such fiscal year as follows:

"(1) For the Office of Safety, including salaries and expenses for not more than (A) 500 safety inspectors, (B) 45 signal and train control inspectors, and (C) 110 clerical personnel, not to exceed \$18,000,000 in any fiscal year.

"(2) To carry out the provisions of section 206(d) of this Act, relating to State safety programs, not to exceed \$3,500,000 in any fiscal year.

"(3) For the Federal Railroad Administration, for salaries and expenses not otherwise provided for, not to exceed \$3,500,000 in any fiscal year.

"(4) For conducting research and development activities under this Act, not to exceed \$10,000,000 in any fiscal year.

"(c) (1) The aggregate of the amounts obligated and expended for research and development activities under this Act in any fiscal year shall not exceed the aggregate of the amounts expended for rail inspection and for the investigation and enforcement of railroad safety rules, regulations, orders, and standards under this Act in the same fiscal year. For purposes of this paragraph and paragraph (4) of subsection (b) of this section, amounts made available under paragraph (2) of this subsection for expenditure for research and development activities under this Act in any fiscal year following the fiscal year in which such amounts were originally appropriated shall be considered to have been obligated and expended for such activities during the fiscal year in which such amounts were originally appropriated.

"(2) Of amounts appropriated under subsection (a) of this section and available for expenditure for conducting research and development activities under subsection (b) (4) of this section, not to exceed \$5,000,000 of amounts so appropriated and made available for fiscal year 1977, and not to exceed \$7,000,000 of amounts so appropriated and made available for fiscal year 1978, are authorized to remain available until expended for conducting research and development activities under this Act."

PENALTIES

Sec. 3. (a) Section 6 of the Act of March 2, 1893 (45 U.S.C. 6), is amended by striking out "two hundred and fifty dollars" and inserting in lieu thereof "not less than \$250 and not more than \$2,500".

(b) Section 4 of the Act of April 14, 1910 (45 U.S.C. 13), is amended by striking out "two hundred and fifty dollars" and inserting in lieu thereof "not less than \$250 and not more than \$2,500".

(d) Section 25 (h) of the Interstate Commerce Act (49 U.S.C. 26(h)) is amended by striking out "\$100 for each such violation and \$100" and inserting in lieu thereof "not less than \$250 and not more than \$2,500 for each such violation and not less than \$250 and not more than \$2,500".

(e) Notwithstanding any provision of the Federal Claims Collection Act of 1966 (31 U.S.C. 951--953), no penalty arising under a statute amended by this section shall be compromised by the Secretary for an amount less than \$250.

HOURS OF SERVICE

Sec. 4. (a) Section 2(a) of the Act of March 4, 1907 (45 U.S.C. 62(a)), commonly referred to as the Hours of Service Act, is amended--,

(1) by striking out "or" at the end of paragraph (1);

(2) by striking out the period at the end of paragraph (2) and inserting in lieu

thereof a semicolon; and

(3) by adding at the end thereof the following new

paragraphs:

"(3) to provide sleeping quarters for employees (including crew quarters, camp or bunk cars, and trailers) which do not afford such employees an opportunity for rest, free from interruptions caused by noise under the control of the railroad, in clean, safe, and sanitary quarters; or

"(4) to begin construction or reconstruction of any sleeping quarters referred to in paragraph (3), on or after the date of enactment of this paragraph, within or in the immediate vicinity (as determined in accordance with rules prescribed by the Secretary) of any area where railroad switching or humping operations are performed."

(b) Section 2 of such Act (45 U.S.C. 62) is amended by striking out subsection (c), relating to the exemption of crews of wreck or relief trains from limitations on employees hours of service, and inserting in lieu thereof the following new subsection:

"(c) Notwithstanding subsection (a) of this section, the crew of a wreck or relief train may be permitted to be or remain on duty for not to exceed 4 additional hours in any period of 24 consecutive hours whenever an actual emergency exists and work of the crew is related to such emergency. For purposes of this subsection, an emergency ceases to exist when the track is cleared and the line is open for traffic."

(c) Subsection (b) (2) of the first section of such Act (45 U.S.C. 61 (b)(2)), relating to the definition of the term "employee", is amended by inserting immediately before the period at the end thereof the following:", including hostlers".

(d) The Act of March 4, 1907 (45 U.S.C. 61--64b) is further amended by adding a new section 3 A to read as follows:

"Sec. 3 A. (a) It shall be unlawful for any common carrier, its officers or agents, subject to this Act--,

"(1) to require or permit an individual employed by the carrier who is engaged in installing, repairing or maintaining signal systems, in case such individual shall have been continuously on duty for twelve hours, to continue on duty or to go on duty until he has had at least ten consecutive hours off duty; or

"(2) to require or permit an individual described in paragraph (1) to continue on duty or to go on duty when he has not had at least eight consecutive hours off duty during the preceding twenty-four hours.

"(b) In determining for the purposes of subsection (a) the number of hours an in-

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dividual is on duty, there shall be counted, in addition to the time such individual is actually engaged in installing, repairing or maintaining signal systems, all time on duty in other service performed for the common carrier during the twenty-four hour period involved.

"(c) For purposes of this section, time on duty shall commence when an individual reports for duty and terminate when the individual is finally released from duty.

"(d) As used in sections 2(a) (3), 4, and 5 of this Act, the term 'employee' shall be deemed to include an individual employed by the carrier who is engaged in installing, repairing or maintaining signal systems.

"(e) The provisions of this section shall not apply to an individual during such period of time as the provisions of section 3 apply to his duty and off-duty periods.

"(f) Notwithstanding subsection (a) of this section, an individual engaged in installing, repairing, or maintaining signal systems may be permitted to be or remain on duty for not to exceed four additional hours in any period of twenty-four consecutive hours whenever an actual emergency exists and work of the individual is related to such emergency. For purposes of this subsection with respect to the on-duty time of an individual engaged in installing, repairing, or maintaining signal systems, an emergency ceases to exist when the signal systems are restored to service."

(e) Section 5(a) of such Act (45 U.S.C. 64a(a) is amended by deleting the words "section 2 or section 3 of this Act" and by inserting in lieu thereof the following: "section 2, section 3 or section 3 A of this Act".

SAFETY REGULATIONS

Sec. 5. (a) Section 202(d) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 431(d)) is amended to read as follows:

"(d) In prescribing rules, regulations, orders, and standards under this section, the Secretary shall consider relevant existing safety data and standards and shall, within 180 days after the date of enactment of the Federal Railroad Safety Authorization Act of 1976, take such action as may be necessary to develop and publish rules of practice applicable to all proceedings under this Act. Such rules of practice shall take into consideration the varying nature of proceedings under this Act and shall include specific time limits upon the disposition of all proceedings initiated under this Act. In no event shall the time limit for any such proceeding extend for more than 12 months after the date such proceeding is initiated."

(b) Section 202 of the Federal Railroad Safety Act of 1970 (45 U.S. C. 431) is amended by adding at the end thereof the following new subsection:

"(g) The Secretary shall, within 180 days after the date of enactment of this subsection, issue such rules, regulations, orders, and standards as may be necessary to

require that--,

"(1) in any case in which activities of railroad-employees (other than train or yard crews) assigned to inspect, test, repair, or service rolling equipment require such employees to work on, under, or between such equipment, each manually operated switch, including any crossover switch, providing access to the track on which such equipment is located must be lined against movement to that track and secured by an effective locking device which may not be removed except by the class or craft of employees performing such inspection, testing, repair, or servicing.

"(2) the rear car of all passenger and commuter trains shall have one or more highly visible markers which are lighted during periods of darkness or whenever weather conditions restrict clear visibility; and

"(3) the rear car of all freight trains shall have highly visible markers during periods of darkness or whenever weather conditions restrict clear visibility.

Notwithstanding the provisions of section 205 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 434), nothing in paragraphs (2) and (3) of this subsection shall prohibit a State from continuing in force any law, rule, regulation, order or standard in effect on the date of enactment of the Federal Railroad Safety Authorization Act of 1976 relating to lighted markers on the rear car of freight trains except to the extent that such law, rule, regulation, order, or standard would cause such cars to be in violation of this section."

REGIONAL ORGANIZATION OF FEDERAL RAILROAD ADMINISTRATION

Sec. 6. The Federal Railroad Administration shall be divided on a geographical basis into not less than 8 safety offices for purposes of administering and enforcing all Federal railroad safety laws. The Secretary shall retain full and final responsibility for all acts taken pursuant to Federal railroad safety laws and for the establishment of all policies with respect to implementation of such laws, and shall be responsible for insuring that all such laws are administered and enforced uniformly among such offices.

EVALUATION OF THE FEDERAL RAILROAD SAFETY PROGRAM

Sec. 7. (a) The Office of Technology Assessment shall conduct a study of the Federal Railroad Safety Act of 1970 (45 U.S.C. 421 et seq.) and related Federal laws to evaluate their effectiveness in improving the safety of our Nation's railroads. Such study and evaluation shall include, but shall not be limited to--,

(1) a cost-benefit analysis of the railroad safety research and development activities under the Federal Railroad Safety Act of 1970 and related Federal laws;

(2) an evaluation of trends with respect to railroad employee injuries and casualties, injuries and casualties to other persons, accidents by type and cause, and such other data as the Office of Technology Assessment considers necessary to determine any significant statistical relationship between safety practices, expenditures, penalties for violation of Federal railroad safety laws and regulations, and accident rates;

(3) a statistical comparison of railroad accidents reported by each railroad for the 10-year period preceding the date of enactment of this Act;

(4) the cost-benefit and effectiveness of accident prevention resulting from the methodology used and practices employed by Federal and State railroad safety inspectors under Federal railroad safety laws and regulations;

(5) an evaluation of safety inspection activities conducted by the railroad industry;

(6) an evaluation and analysis of industry research and development relating to railroad safety and accident prevention;

(7) a cost-benefit analysis of the various Federal laws and regulations relating to railroad safety; and

(8) the need for additional Federal expenditures for improvements in railroad safety.

(b) The Office of Technology Assessment shall, within 18 months after the date of enactment of this Act, submit a report to the Congress containing the results of the study conducted pursuant to this section, together with recommendations for such legislative or other action as such Office considers appropriate.

(c) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

UNIFORMITY OF JUDICIAL REVIEW

Sec. 8. Section 4(c) of the Department of Transportation Act (49 U. S.C. 1653(c) is amended by adding at the end thereof the following new sentence: " This subsection shall not apply to functions, powers, and duties transferred to the Secretary from the Interstate Commerce Commission under sections 6(e) (1) through (4) and section 6(e) (6) (A) of this Act." // 49 USC 1655. //

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94--1166 (Comm. on Interstate and Foreign Commerce).

SENATE REPORT No. 94--855 accompanying S. 3119 (Comm. on Commerce).

CONGRESSIONAL RECORD, Vol. 122 (1976):

June 9, 11, considered and passed House.

June 24, considered and passed Senate, amended, in lieu of S. 3119.

June 25, House concurred in Senate amendments.

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(Publication page references are not available for this document.)

Approved July 8, 1976.

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