

110th Congress Public Law 432]
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[[Page 4847]]

FEDERAL RAIL SAFETY IMPROVEMENTS

[[Page 122 STAT. 4848]]

Public Law 110-432
110th Congress

An Act

To amend title 49, United States Code, to prevent railroad fatalities, injuries, and hazardous materials releases, to authorize the Federal Railroad Safety Administration, and for other purposes. <<NOTE: Oct. 16, 2008 - [H.R. 2095]>>

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

DIVISION A-- <<NOTE: Rail Safety Improvement Act of 2008.>> RAIL SAFETY
SEC. 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENT OF TITLE 49.

(a) Short Title.--This <<NOTE: 49 USC 20101 note.>> division may be cited as the ``Rail Safety Improvement Act of 2008".

SEC. 410. <<NOTE: 49 USC 20109 note.>> CRITICAL INCIDENT STRESS
PLAN.

(a) In General.--The Secretary of Transportation, in consultation with the Secretary of Labor and the Secretary of Health and Human Services, as appropriate, shall require each Class I railroad carrier, each intercity passenger railroad carrier, and each commuter railroad carrier to develop and submit for approval to the Secretary a critical incident stress plan that provides for debriefing, counseling, guidance, and other appropriate support services to be offered to an employee affected by a critical incident.

[[Page 122 STAT. 4888]]

(b) Plan Requirements.--Each such plan shall include provisions for--

(1) relieving an employee who was involved in a critical incident of his or her duties for the balance of the duty tour, following any actions necessary for the safety of persons and contemporaneous documentation of the incident;

(2) upon the employee's request, relieving an employee who witnessed a critical incident of his or her duties following any actions necessary for the safety of persons and contemporaneous documentation of the incident; and

(3) providing such leave from normal duties as may be necessary and reasonable to receive preventive services, treatment, or both, related to the incident.

(c) Secretary To Define What Constitutes A Critical Incident.-- Within <<NOTE: Deadline. Regulations.>> 30 days after the date of enactment of this Act, the Secretary shall initiate a rulemaking proceeding to define the term ``critical incident" for the purposes of this section.