118TH CONGRESS
1ST Session

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To improve rail safety practices and for other purposes.

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IN THE SENATE OF THE UNITED STATES

Mr. Fetterman (for himself, Mr. Brown, and Mr. Casey) introduced the following bill; which was read twice and referred to the Committee on

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A BILL

To improve rail safety practices 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
4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the “Railway Accountability
6 Act”.
7
8 SEC. 2. BROKEN RIM DERAILMENTS.
9 (a) STUDY.—The Administrator of the Federal Rail-
10 road Administration shall conduct a study of—
11 (1) broken rim derailments, particularly vertical
12 split rim failures, including—
(A) the causes of such derailments and failures;

(B) the effectiveness of current mitigation strategies; and

(C) potential new mitigation strategies;

(2) wheel impact load thresholds, including—

(A) safe kip thresholds; and

(B) potential remedial actions that address the mechanical condition of tank cars used in high-hazard flammable trains;

(3) the deployment of ultrasonic wheel crack detection systems; and

(4) potential regulations that, if promulgated, would—

(A) result in fewer broken rim derailments;

and

(B) improve avoidance or identification of mechanical defects.

(b) REPORT.—Not later than 1 year after the date of the enactment of this Act, the Administrator shall submit a report to Committee on Commerce, Science, and Transportation of the Senate and Committee on Transportation and Infrastructure of the House of Representatives containing the results of the study conducted pursuant—
ant to subsection (a), including any proposed regulations
to reduce the frequency of broken rim derailments.

SEC. 3. TRAIN CONSIST.

(a) RULEMAKING.—Not later than 1 year after the
date of the enactment of this Act, the Secretary of Trans-
portation shall conduct a review of existing regulations re-
lating to the practices regarding the establishment of a
train consist.

(b) WRITTEN SWITCHYARD SAFETY PROTOCOL
PLAN.—The Administrator of the Federal Railroad Ad-
ministration shall issue a regulation requiring each rail-
road to prepare and submit to the Administrator, not later
than 1 year after the date of the enactment of this Act,
an updated Risk Reduction Program Plan that—

(1) documents the railroad’s standards for train
consist and safety protocol while trains are in the
switchyard; and

(2) strives to balance derailment risk and rail
yard employee safety.

SEC. 4. BRAKE INSPECTIONS.

After completing the review required under section
3(a)(1), the Secretary of Transportation shall issue regu-
lations that—
(1) prohibit any train from being moved out of the switchyard before all required brake inspections of such train have been completed;

(2) prohibit conducting brake inspections of a train while such train is in motion; and

(3) allow only the qualified mechanical inspector (as defined in section 232.5 of title 49, Code of Federal Regulations) assigned to inspect a locomotive or rail car to sign off on—

(A) the Form FRA F6180–49A (commonly known as the “blue card”) relating to locomotive inspections; and

(B) the satisfactory Class I brake inspection of end-of-train device form relating to rail car inspections.

SEC. 5. SAFETY WAIVERS.

(a) In General.—The Administrator of the Federal Railroad Administration shall post, on a publicly accessible website, a list of all active safety waivers granted by the Federal Railroad Administration to Class I railroads pursuant to its authority under section 20103(d) of title 49, United States Code, relating to brake procedures, unequipped locomotives, brake inspection requirements, and safety training for rail labor employees.
(b) CONTENTS.—The Administrator shall include, on
the posting required under subsection (a), a summary of
the waivers described in subsection (a), including—

(1) the number of active waivers;

(2) the number of such waivers that have been
extended beyond their original termination date;

(3) the average duration of each such waiver;

and

(4) a summary of the regulations that were so
waived.

SEC. 6. PROPER FUNCTIONING OF EMERGENCY BRAKE SIG-
NALS.

The Administrator of the Federal Railroad Adminis-
tration shall amend part 232 of title 49, Code of Federal
Regulations, to require—

(1) more frequent communication checks be-
tween a head-of-train device and an end-of-train de-
vice; and

(2) repetition of the emergency brake signal
transmission until it is received by the end-of-train
device.

SEC. 7. CONFIDENTIAL CLOSE CALL REPORTING SYSTEM.

Not later than 6 months after the date of the enact-
ment of this Act, any Class I railroad that was ordered
to pay the maximum civil penalty for any violation of a
rail safety regulation set forth in section 5123(a) of title 49, United States Code, or in chapter 201, 203, 204, 205, 206, 207, 208, 209, or 211 during the 15-year period immediately preceding such date of enactment shall join and actively participate in the Confidential Close Call Reporting System (commonly known as “C³RS”).

SEC. 8. REQUIRED WARNING EQUIPMENT AND LOOKOUTS. All railroads shall provide warning equipment to railroad watchmen and lookouts for roadway workers, which—

(1) may include whistles, air horns, white disks, red flags, lanterns, and fuses; and

(2) may not include the use of verbal warnings.