

118TH CONGRESS
1ST SESSION

S. 1044

To improve rail safety practices and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 29, 2023

Mr. SCHUMER (for Mr. FETTERMAN (for himself, Mr. BROWN, and Mr. CASEY)) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Railway Accountability
5 Act”.

6 **SEC. 2. BROKEN RIM DERAILMENTS.**

7 (a) STUDY.—The Administrator of the Federal Rail-
8 road Administration shall conduct a study of—

9 (1) broken rim derailments, particularly vertical
10 split rim failures, including—

1 (A) the causes of such derailments and
2 failures;

3 (B) the effectiveness of current mitigation
4 strategies; and

5 (C) potential new mitigation strategies;

6 (2) wheel impact load thresholds, including—

7 (A) safe kip thresholds; and

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

11 (3) the deployment of ultrasonic wheel crack de-
12 tection systems; and

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

15 (A) result in fewer broken rim derailments;

16 and

17 (B) improve avoidance or identification of
18 mechanical defects.

19 (b) REPORT.—Not later than 1 year after the date
20 of the enactment of this Act, the Administrator shall sub-
21 mit a report to Committee on Commerce, Science, and
22 Transportation of the Senate and Committee on Trans-
23 portation and Infrastructure of the House of Representa-
24 tives containing the results of the study conducted pursu-

1 ant to subsection (a), including any proposed regulations
2 to reduce the frequency of broken rim derailments.

3 **SEC. 3. TRAIN CONSIST.**

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

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

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

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

20 **SEC. 4. BRAKE INSPECTIONS.**

21 After completing the review required under section
22 3(a)(1), the Secretary of Transportation shall issue regu-
23 lations that—

1 (1) prohibit any train from being moved out of
2 the switchyard before all required brake inspections
3 of such train have been completed;

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

6 (3) allow only the qualified mechanical inspec-
7 tor (as defined in section 232.5 of title 49, Code of
8 Federal Regulations) assigned to inspect a loco-
9 motive or rail car to sign off on—

10 (A) the Form FRA F6180–49A (com-
11 monly known as the “blue card”) relating to lo-
12 comotive inspections; and

13 (B) the satisfactory Class I brake inspec-
14 tion of end-of-train device form relating to rail
15 car inspections.

16 **SEC. 5. SAFETY WAIVERS.**

17 (a) IN GENERAL.—The Administrator of the Federal
18 Railroad Administration shall post, on a publicly acces-
19 sible website, a list of all active safety waivers granted by
20 the Federal Railroad Administration to Class I railroads
21 pursuant to its authority under section 20103(d) of title
22 49, United States Code, relating to brake procedures,
23 unequipped locomotives, brake inspection requirements,
24 and safety training for rail labor employees.

1 (b) CONTENTS.—The Administrator shall include, on
2 the posting required under subsection (a), a summary of
3 the waivers described in subsection (a), including—

4 (1) the number of active waivers;

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

7 (3) the average duration of each such waiver;

8 and

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

11 **SEC. 6. PROPER FUNCTIONING OF EMERGENCY BRAKE SIG-**
12 **NALS.**

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

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

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

22 **SEC. 7. CONFIDENTIAL CLOSE CALL REPORTING SYSTEM.**

23 Not later than 6 months after the date of the enact-
24 ment of this Act, any Class I railroad that was ordered
25 to pay the maximum civil penalty for any violation of a

1 rail safety regulation set forth in section 5123(a) of title
2 49, United States Code, or in chapter 201, 203, 204, 205,
3 206, 207, 208, 209, or 211 during the 15-year period im-
4 mediately preceding such date of enactment shall join and
5 actively participate in the Confidential Close Call Report-
6 ing System (commonly known as “C³RS”).

7 **SEC. 8. REQUIRED WARNING EQUIPMENT AND LOOKOUTS.**

8 All railroads shall provide warning equipment to rail-
9 road watchmen and lookouts for roadway workers,
10 which—

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

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

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