

Calendar No.

107TH CONGRESS
1ST SESSION

S. 1550

[Report No. 107-]

To provide for rail safety and security.

IN THE SENATE OF THE UNITED STATES

OCTOBER 15, 2001

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

OCTOBER 17, 2001

Reported by Mr. HOLLINGS, without amendment

A BILL

To provide for rail safety and security.

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 “Rail Security Act of
5 2001”.

1 **SEC. 2. EMERGENCY AMTRAK ASSISTANCE.**

2 (a) IN GENERAL.—There are authorized to be appro-
3 priated to the Secretary of Transportation for the use of
4 Amtrak—

5 (1) \$515,000,000 for systemwide security up-
6 grades, including the reimbursement of extraor-
7 dinary security-related costs determined by the Sec-
8 retary to have been incurred by Amtrak since Sep-
9 tember 11, 2001, and including the hiring and train-
10 ing additional police officers, canine-assisted security
11 units, and surveillance equipment;

12 (2) \$998,000,000 to be used to complete New
13 York tunnel life safety projects and rehabilitate tun-
14 nels in Washington, D.C., and Baltimore, Maryland;
15 and

16 (3) \$254,000,000 to be used for increasing the
17 accessibility of Penn Station, New York City, for
18 safety and emergency response situations, renova-
19 tions to the Thames and Niantic Bridges in Con-
20 necticut, and improved safety of operations through
21 an advanced civil speed enforcement system radio
22 system in high-speed territory.

23 (b) AVAILABILITY OF APPROPRIATED FUNDS.—
24 Amounts appropriated pursuant to subsection (a) shall re-
25 main available until expended.

1 (c) PLAN REQUIRED.—The Secretary may not make
2 amounts available to Amtrak for obligation or expenditure
3 under subsection (a)—

4 (1) for implementing systemwide security up-
5 grades until Amtrak has submitted to the Secretary,
6 and the Secretary has approved, a plan for such up-
7 grades;

8 (2) for completing the tunnel life safety and re-
9 habilitation projects until Amtrak has submitted to
10 the Secretary, and the Secretary has approved, an
11 engineering and financial plan for such projects;

12 (3) for completing the projects described in sub-
13 section (a)(3) until Amtrak has submitted to the
14 Secretary and the Secretary has approved, a plan for
15 such projects; and

16 (4) Amtrak has submitted to the Secretary such
17 additional information as the Secretary may require
18 in order to ensure full accountability for the obliga-
19 tion or expenditure of amounts made available to
20 Amtrak for the purpose for which the funds are pro-
21 vided.

22 (d) 50-PERCENT TO BE SPENT OUTSIDE THE
23 NORTHEAST CORRIDOR.—The Secretary shall ensure that
24 up to 50 percent of the amounts appropriated pursuant

1 to subsection (a)(1) is obligated or expended for projects
2 outside the Northeast Corridor.

3 (e) ASSESSMENTS BY DOT INSPECTOR GENERAL.—

4 (1) INITIAL ASSESSMENT.—Within 60 days
5 after the date of enactment of this Act, the Inspec-
6 tor General of the Department of Transportation
7 shall transmit to the Senate Committee on Com-
8 merce, Science, and Transportation and the House
9 of Representatives Committee on Transportation
10 and Infrastructure a report—

11 (A) identifying any overlap between capital
12 projects for which funds are provided under
13 such funding documents, procedures, or ar-
14 rangements and capital projects included in
15 Amtrak's 20-year capital plan; and

16 (B) indicating any adjustments that need
17 to be made in that plan to exclude projects for
18 which funds are appropriated pursuant to sub-
19 section (a).

20 (2) OVERLAP REVIEW.—The Inspector General
21 shall, as part of the Department's annual assess-
22 ment of Amtrak's financial status and capital fund-
23 ing requirements review the obligation and expendi-
24 ture of funds under each such funding document,
25 procedure, or arrangement to ensure that the ex-

1 penditure and obligation of those funds are con-
2 sistent with the purposes for which they are provided
3 under this Act.

4 (f) COORDINATION WITH EXISTING LAW.—Amounts
5 made available to Amtrak under this section shall not be
6 considered to be Federal assistance for purposes of part
7 C of subtitle V of title 49, United States Code.

8 **SEC. 3. RAIL SECURITY.**

9 (a) SECRETARY OF TRANSPORTATION.—Section
10 20103(a) of title 49, United States Code, is amended by
11 striking “safety” and inserting “safety, including the secu-
12 rity of railroad operations,”.

13 (b) RAIL POLICE OFFICERS.—Section 28101 of title
14 49, United States Code, is amended by striking “the rail
15 carrier” each place it appears and inserting “any rail car-
16 rier”.

17 (c) REVIEW OF RAIL REGULATIONS.—Within 180
18 days after the date of enactment of this Act, the Secretary
19 of Transportation, in consultation with the Federal Rail-
20 road Administration’s Rail Safety Advisory Committee,
21 shall review existing rail regulations of the Department
22 of Transportation for the purpose of identifying areas in
23 which those regulations need to be revised to improve rail
24 safety and security.

1 **SEC. 4. RAIL TRANSPORTATION SECURITY RISK ASSESS-**
2 **MENT.**

3 (a) IN GENERAL.—

4 (1) IN GENERAL.—The Secretary of Transpor-
5 tation shall assess the security risks associated with
6 rail transportation and develop prioritized rec-
7 ommendations for—

8 (A) improving the security of rail tunnels,
9 rail bridges, rail switching areas, and other
10 areas identified by the Secretary as posing sig-
11 nificant rail-related risks to public safety and
12 the movement of interstate commerce, taking
13 into account the impact that any proposed secu-
14 rity measure might have on the provision of rail
15 service; and

16 (B) dealing with the immediate and long-
17 term economic impact of measures that may be
18 required to address those risks.

19 (2) EXISTING PRIVATE AND PUBLIC SECTOR
20 EFFORTS.—The assessment shall include a review of
21 any actions already taken to address identified secu-
22 rity issues by both public and private entities.

23 (b) CONSULTATION; USE OF EXISTING RE-
24 SOURCES.—In carrying out the assessment required by
25 subsection (a), the Secretary shall—

1 (1) consult with rail management, rail labor,
2 and public safety officials (including officials respon-
3 sible for responding to emergencies); and

4 (2) utilize, to the maximum extent feasible, the
5 resources and assistance of—

6 (A) the Federal Railroad Administration’s
7 Rail Safety Advisory Committee; and

8 (B) the Transportation Research Board of
9 the National Academy of Sciences.

10 (c) REPORT.—

11 (1) CONTENTS.—Within 180 days after the
12 date of enactment of this Act, the Secretary shall
13 transmit to the Senate Committee on Commerce,
14 Science, and Transportation and the House of Rep-
15 resentatives Committee on Transportation and In-
16 frastructure a report, without compromising national
17 security, containing—

18 (A) the assessment and prioritized rec-
19 ommendations required by subsection (a); and

20 (B) any proposals the Secretary deems ap-
21 propriate for providing Federal financial, tech-
22 nological, or research and development assist-
23 ance to railroads to assist the railroads in re-
24 ducing the likelihood, severity, and con-
25 sequences of deliberate acts of crime or ter-

1 rorism toward rail employees, rail passengers,
2 rail shipments, or rail property.

3 (2) FORMAT.—The Secretary may submit the
4 report in both classified and redacted formats if the
5 Secretary determines that such action is appropriate
6 or necessary.

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