



AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.**

**S. 2861**

To prosecute, as a Federal crime, the assault or intimidation of a passenger train crew member to the same extent as such actions against aircraft crew members are prosecuted.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Ms. Duckworth

Viz:

1 Strike all after the enacting clause and insert the following:  
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Passenger Rail Crew  
5 Protection Act".

6 **SEC. 2. INTERFERENCE WITH PASSENGER TRAIN CREW  
7 MEMBERS.**

8 (a) AMENDMENT.—

9 (1) IN GENERAL.—Chapter 281 of title 49,  
10 United States Code, is amended by adding at the  
11 end the following:

1 **“§ 28104. Interference with passenger train crew**  
2 **members**

3 “(a) DEFINITIONS.—In this section:

4 “(1) CREW MEMBER.—The term ‘crew member’  
5 means a person, other than a passenger, who is a  
6 service employee assigned to duty on an in-service  
7 passenger train.

8 “(2) DANGEROUS WEAPON.—

9 “(A) IN GENERAL.—The term ‘dangerous  
10 weapon’ means a weapon, device, instrument,  
11 material, or animate or inanimate substance  
12 that is used for, or is readily capable of, caus-  
13 ing death or serious bodily injury.

14 “(B) INCLUSION.—The term ‘dangerous  
15 weapon’ includes—

16 “(i) a pocket knife with a blade that  
17 is less than 2½ inches in length; and

18 “(ii) a box cutter.

19 “(3) PASSENGER TRAIN.—The term ‘passenger  
20 train’ means a passenger train in intercity rail pas-  
21 senger transportation (as defined in section 24102).

22 “(4) SERIOUS BODILY INJURY.—The term ‘seri-  
23 ous bodily injury’ means a bodily injury that in-  
24 volves—

25 “(A) a substantial risk of death;

26 “(B) extreme physical pain;

1 “(C) protracted and obvious disfigurement;

2 or

3 “(D) protracted loss or impairment of the  
4 function of—

5 “(i) a bodily member;

6 “(ii) an organ; or

7 “(iii) a mental faculty.

8 “(5) SERVICE EMPLOYEE.—The term ‘service  
9 employee’ includes—

10 “(A) an engineer;

11 “(B) a conductor;

12 “(C) onboard personnel; and

13 “(D) an employee performing, or respon-  
14 sible for, a safety-sensitive function.

15 “(b) OFFENSE.—It shall be unlawful for any person  
16 onboard a passenger train in operation, or on a platform  
17 serving a passenger train in operation—

18 “(1) to assault a crew member and thereby  
19 interfere with the performance of the duties of a  
20 crew member or lessen the ability of a crew member  
21 to perform those duties; or

22 “(2) to attempt or conspire to perform an act  
23 described in paragraph (1).

24 “(c) PENALTIES.—A person who violates subsection  
25 (b)—

1           “(1) shall be fined under title 18 or imprisoned  
2 for not more than 8 years, or both; and

3           “(2) if a dangerous weapon is used in assault-  
4 ing the crew member, shall be imprisoned for not  
5 more than 20 years.”.

6           (2) TECHNICAL AMENDMENT.—The table of  
7 sections for chapter 281 of title 49, United States  
8 Code, is amended by adding at the end the fol-  
9 lowing:

“§ 28104. Interference with passenger train crew members.”.

10          (b) SENSE OF CONGRESS REGARDING ASSAULT PRE-  
11 VENTION AND RESPONSE TRAINING.—

12           (1) DEFINITION OF RAIL PASSENGER CAR-  
13 RIER.—In this subsection, the term “rail passenger  
14 carrier” means a rail carrier providing intercity rail  
15 passenger transportation (as defined in section  
16 24102 of title 49, United States Code).

17           (2) SENSE OF CONGRESS.—It is the sense of  
18 Congress that each rail passenger carrier should—

19                   (A) develop and implement—

20                           (i) training regarding—

21                                   (I) assault prevention and re-  
22 sponse; and

23                                   (II) deescalating hostile situa-  
24 tions; and

25                           (ii) protocols regarding—

1 (I) dealing with hostile situa-  
2 tions; and

3 (II) reporting of incidents;

4 (B) offer the training and protocols de-  
5 scribed in subparagraph (A) to the appropriate  
6 personnel; and

7 (C) publish in the terms of transportation  
8 of the rail passenger carrier a notice describing  
9 the offense of interference with passenger crew  
10 members under section 28104 of title 49,  
11 United States Code (as added by subsection  
12 (a)(1)).

13 (c) GAO REPORT ON COMMUTER RAIL ASSAULTS.—

14 (1) IN GENERAL.—Not later than 1 year after  
15 the date of enactment of this Act, the Comptroller  
16 General of the United States shall—

17 (A) review the number of assaults on rail  
18 crew members operating or assisting with com-  
19 muter rail passenger transportation (as defined  
20 in section 24102 of title 49, United States  
21 Code) at each of the 10 largest commuter rail  
22 carriers, as determined by annual ridership, in  
23 the United States; and

24 (B) submit to the Committee on Com-  
25 merce, Science, and Transportation of the Sen-

1           ate and the Committee on Transportation and  
2           Infrastructure of the House of Representatives  
3           a report that describes the review under sub-  
4           paragraph (A), including recommendations, if  
5           any.

6           (2) CONTENTS.—The report under paragraph  
7           (1)(B) shall include—

8                   (A) a description of the number and types  
9                   of assaults on rail crew members described in  
10                   paragraph (1)(A), based on available data;

11                   (B) a description of other available details  
12                   regarding assaults on rail crew members de-  
13                   scribed in paragraph (1)(A), such as—

14                           (i) the function of involved crew mem-  
15                           bers;

16                           (ii) the locations of the incidents  
17                           (such as on a train or platform); and

18                           (iii) the circumstances surrounding  
19                           the assaults;

20                   (C) a description of the outcome of assault  
21                   incidents, such as the number of prosecutions  
22                   of assaults, based on available data; and

23                   (D) an identification of any challenges in  
24                   reporting those assault incidents.