WRITTEN STATEMENT OF
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BEFORE THE
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,
U.S. SENATE

June 19, 2013

Chairman, Ranking Member, and Members of the Committee, thank you for the opportunity to appear before you today, on behalf of Secretary LaHood, to discuss the Federal Railroad Administration's (FRA) rail safety program. Rail is a particularly safe mode of transportation, and one that Americans are choosing more than ever before. In this testimony, I will detail recent accomplishments, including the status of FRA's implementation of the Rail Safety Improvement Act of 2008 (RSIA), and I will discuss current challenges. We would like to note that some railroad accidents widely reported in the press during the last few months do not reflect the positive trends in safety statistics and annual records that we have seen in safety data. In closing, I will describe FRA's preliminary reauthorization proposals, which we view as key components for improving our safety program.

FRA's mission is to enable the safe, reliable, and efficient movement of people and goods for a strong America, now and in the future. This testimony will explain how we are fulfilling that mission.

RECENT ACCOMPLISHMENTS

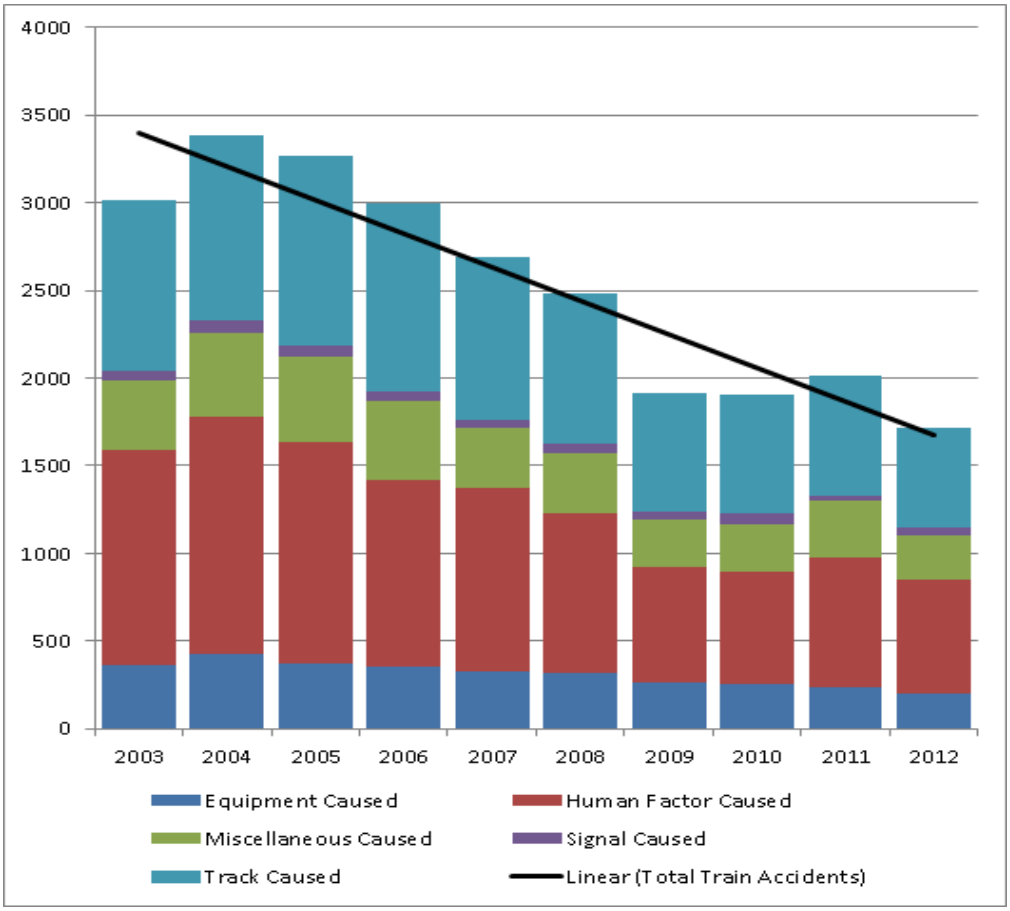
FRA's top priority is safety, and 2012 was the safest year on record, continuing our year-over-year reductions in incidents. Since 2003:

- Total train accidents have declined by 43 percent.
- Total derailments have declined by 41 percent.
- Total highway-rail grade crossing accidents have declined by 34 percent.

These safety improvements have contributed to 18-percent fewer fatalities and 14-percent fewer injuries over ten years, the annual totals falling from 865 fatalities to 706 fatalities, and 9,264 injuries to 7,993 injuries.

This achievement is even more noteworthy because Amtrak ridership reached an all-time high, rail was the fastest-growing mode of public transit, and intermodal freight traffic surged toward a new record.

Statistical Accident Reductions since 2003:



FRA is committed to continuously improving safety. Although safety performance has steadily improved, we are committed to working towards that goal. Accidents in Missouri, Connecticut, and Maryland demonstrate the varied risks to rail safety. FRA approaches rail safety comprehensively. We are building on research and development, continuing to establish minimum safety requirements, conducting outreach and collaborating with stakeholders, performing compliance inspections and audits, and implementing and administering enforcement policies.

FRA's multidimensional safety strategy is intended to foster a safety culture evolution toward hazard analysis, accident prevention, and innovation, leading to a continual process of safety improvement. Positive train control (PTC) systems will be the technology backbone that promotes safety improvement through the reduction of certain human-factor-related incidents and should complement FRA's other safety efforts, such as implementation of safety Risk Reduction Programs (RRP) as well as crash energy management.

RSIA IMPLEMENTATION AND OTHER FRA SAFETY ACTIONS

Congress acted to address rail safety issues in 2008 through the passage of RSIA, which reauthorized FRA's safety program for five years and mandated that FRA develop approximately 40 final rules, guidance documents, model State laws, studies, and reports as well as three annual reports and hundreds of periodic accident reporting audits. RSIA also requires certain railroads to implement PTC systems by the end of 2015; provides FRA, as the Secretary's designee, with regulatory authority over the hours of service of passenger train crews; and extensively amends the hours of service laws.

FRA has finalized 59 percent of RSIA-mandated rules and 69 percent of the required studies, while continuing to pursue completion of the remaining provisions of the Act. The appendix to this testimony lists the rulemakings, non-periodic reports, guidance, and model State laws that FRA has completed as of June 1, 2013, that were mandated, explicitly or implicitly, by RSIA.

FRA's regulatory program maximizes safety by developing rules based on facts, incident and accident causation analysis, comparison of alternative mitigation measures, and cost-beneficial solutions. FRA rules consider current and future industry capabilities, compliance burden and cost, and other economic and social realities. Within this context, FRA makes every effort to reach statutory milestones with its available resources. FRA often works with its Railroad Safety Advisory Committee (RSAC) to improve the quality and transparency of FRA's rule development. FRA has maintained a continuous planning effort, through the Department's regulatory review process and consultations with stakeholders, since RSIA's enactment.

To promote compliance with rules, FRA has built a safety oversight workforce that is highly motivated, well trained, and expertly skilled in numerous technical disciplines and specialties. Many inspectors and specialists come to FRA with decades of operational experience, which we build on and refine through continuous, comprehensive guidance, classroom and on-the-job training, mentoring, and developmental opportunities. New inspectors receive up to 120 hours of formal classroom training within their first year on board. They also go through 56 hours of additional formal classroom training related to accident investigation fundamentals. Historical accident and inspection data ensures optimal allocation of resources. FRA uses its Staffing Allocation Model for allocating its inspection resources among its eight regions and core disciplines and its National Inspection Plan (NIP) to facilitate inspectors' focusing their efforts on specific railroads and locations that are likely to have safety problems. NIP provides guidance to an inspector on the amount of time that he or she should spend on each railroad in his or her territory based on historical risk analysis. An inspector following NIP guidance should be more effective finding unsafe conditions that he or she can bring to the attention of railroad officials to correct.

The NIP also provides guidance to each regional office on how its inspectors, who each specialize in one of the five inspection disciplines, should divide their work by railroad and by State. The NIP produces an initial baseline plan for each of the Agency's eight regions based on an analysis of historical accident and inspection data and then allows the regional administrators to adjust the goals for their respective regions based on local knowledge and emerging issues. FRA also partners with participating State rail safety programs in enforcing the rail safety laws.

As noted, FRA has made significant progress fulfilling unprecedented mandates set forth by RSIA, including the following measures to address some of the prevalent safety issues:

- **To address track-caused accidents**--
  - FRA issued regulations on concrete ties, completed a study of track inspection practices, and issued a notice of proposed rulemaking (NPRM) on rail integrity.
  - FRA has started a research and development program with the goal of achieving reliable long life from concrete ties. The program involves freight railroads, Amtrak, manufacturers and universities.
  - In addition, on its own initiative, using its general rulemaking authority, FRA published a final rule on vehicle/track interaction safety standards. The final rule achieved unanimous approval by RSAC. The rule was based on research into vehicle/track interaction. The rule promotes the safe interaction of rail vehicles with the track over which they operate under a variety of conditions at speeds up to 220 mph. The rule also adds flexibility for safely permitting high cant deficiency train operations through curves at more conventional speeds so that both freight and passenger trains may better sustain maximum allowable speeds through curved track.

- **To enhance and improve grade crossing safety**--
  - FRA issued standards requiring railroads to establish and maintain toll-free "1-800" emergency notification systems by which the public can telephone the proper railroad about a stalled vehicle or other safety problem at a specifically identified grade crossing.
  - FRA promulgated regulations requiring 10 States to issue State-specific action plans to improve safety at highway-rail grade crossings. FRA issued model State laws on highway users' sight distance at passively signed crossings and on highway motorists' violations of grade crossing warning devices.
  - FRA published a proposed rule specifying the types of information that railroads would have to report to the Department's National Crossing Inventory. FRA also issued guidance addressing pedestrian safety at or near passenger rail stations, developed a five-year strategy to improve highway-rail grade crossing safety, and conducts an audit every two years of Class I railroads' highway-rail grade crossing accident reports to ensure that these railroads are accurately reporting these incidents and such audits every five years of other railroads.
  - FRA continues to research new technologies for improving grade crossing safety. One project that has significant potential is implementation of Intelligent Transportation Systems at grade crossings. FRA is also conducting human-factors research to understand the behavior of highway users when they approach grade crossings. This is expected to lead to recommendations for improved signage and warning systems. FRA also released a grade crossing information smartphone application, which is further detailed below.

- **To enhance the accountability of railroads for their own safety**--
  - FRA has issued a notice of proposed rulemaking (NPRM) that would require certain passenger railroads to develop and implement Risk Reduction Plans

(RRPs), and another NPRM on requiring freight railroads to establish RRPs is in clearance in the Executive Branch. These regulations are designed to encourage railroads to develop and implement systematic risk-based approaches to ensuring continuous safety improvement.

- **To address human-factors-caused accidents and resulting casualties**--
  - FRA issued final rules to enable nationwide implementation of PTC systems as well as final rules on camp cars used as railroad employee sleeping quarters and on the hours of service of passenger train employees. The latter draws on detailed research into the causes of train operator fatigue and analysis of thousands of operator work patterns. A final rule on minimum training standards and plans is under Departmental review.
  - FRA published in the Federal Register detailed interim and final interpretations of the hours of service laws as amended by RSIA, and a second set of interim interpretations to be published in the Federal Register, addressing additional issues, is in review in the Executive Branch.
  - FRA issued a final rule requiring owners of railroad bridges to implement programs for inspection, maintenance, and management of those structures.

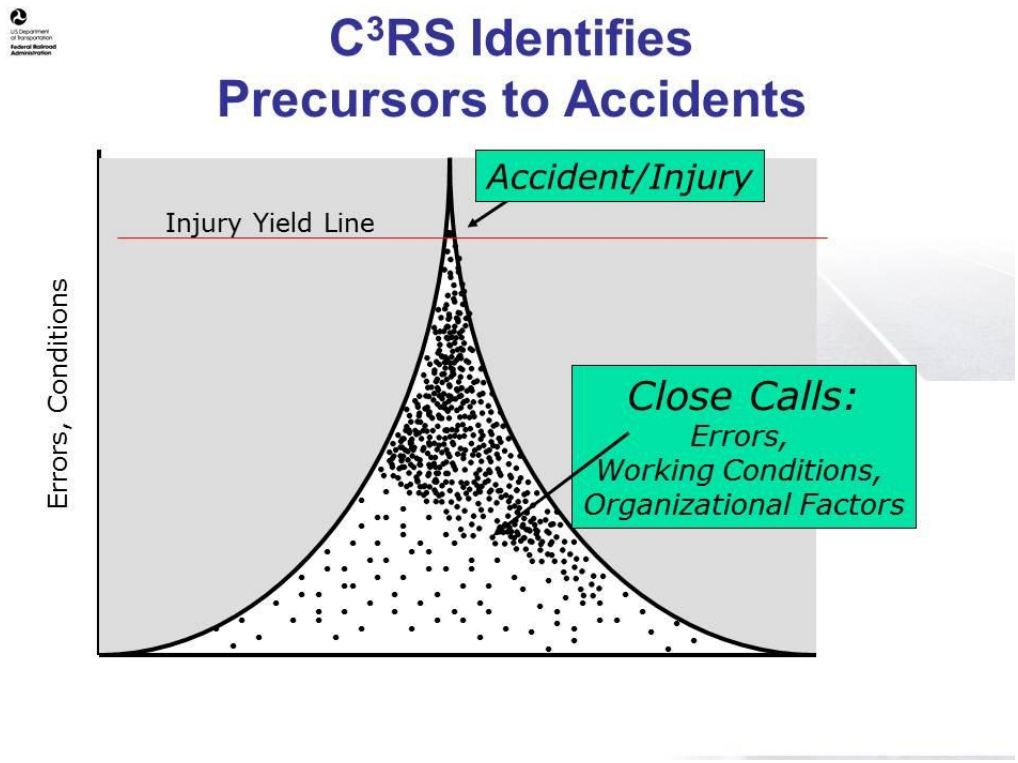
In addition to working on RSIA mandates, FRA has been advancing safety through other initiatives:

- FRA is supporting the safety of proposed passenger rail operations, including line extensions, and shared-use and high-speed operations by providing technical outreach, including training and information regarding safety regulations and system safety, to many new start commuter railroads, and FRA is currently working with several new operators.

- From funding provided for high-speed rail research and development, FRA has identified several key risk factors for corridors shared by passenger and freight operations. Research to better understand these risks and find mitigations are currently underway.

- FRA is making important strides to address human-factors issues through an industry-wide initiative to combat the dangers of electronic device distraction in the railroad workplace.

- FRA is implementing a voluntary, Confidential Close Call Reporting System program (C^3RS) for railroads and their employees to report close calls without receiving disciplinary action. The FY 2014 Budget proposes expanding the C^3RS from a limited pilot project to a nation-wide rollout. Experience at C^3RS pilot sites has contributed, we believe, to a nearly 70-percent reduction in certain accidents at one of the most mature pilot sites. Reductions in accidents come from a proactive culture of safety that uses real data far beyond that which can be pulled from accident investigations on a reactive basis. Effective safety oversight is helped by having accurate data. The magnitude of the information provided from proactive programs like C^3RS in comparison to traditional data from accidents and injuries is illustrated below:

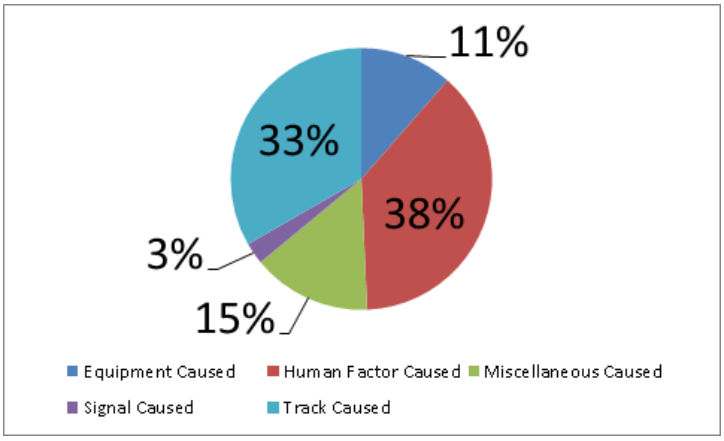


These achievements are not cause for complacency, but a foundation to build on, as we look for more and better cost-effective ways to improve the safety of our country's rail network.

KEY CHALLENGES TO RAILROAD SAFETY

By law, railroads are required to report an expansive universe of accidents, incidents, and events that occur in the course of operations. FRA also investigates certain railroad accidents, and analyzes the data it receives and collects. This information assists FRA in allocating and deploying inspection and oversight resources effectively, where they have the greatest positive impacts.

Train Accident Causes–2012



As illustrated above, 71 percent of all train accidents were the result of either human factors or the condition of railroad track in 2012. FRA has focused on the reduction of those two accident categories as our highest priority.

Human Factors

The leading cause of train accidents is human factors.

Positive Train Control Systems

RSIA provides that "the term 'positive train control system' means a system designed to prevent train-to-train collisions, over-speed derailments, incursions into established work zone limits, and the movement of a train through a switch left in the wrong position." 49 U.S.C. 20157(i)(3). FRA continues to work to support railroads in their implementation of PTC systems prior to RSIA's December 31, 2015 statutory deadline. In our August 2012 Report to Congress on PTC, FRA pointed out the technical and programmatic obstacles to meeting the statutory deadline. Some railroads have publicly acknowledged that they will not be able to complete PTC implementation by the deadline. FRA will continue to provide field engineering support and system testing oversight for PTC systems, and hopes to provide formal approval and system certification for the Southern California Regional Rail Authority's PTC system this year.

Further, FRA is working to eliminate obstacles to timely PTC system implementation by working with railroads, suppliers, and other government agencies to resolve critical path issues. In the coming years, FRA will continue to work towards the certification of the systems used by other railroads and provide additional engineering support. FRA will also work with Congress if it decides to change the statutory deadline.

Defective Track

The second-leading cause of train accidents is defective track. Track defects comprise a wide universe of conditions, some serious and some relatively innocuous or inconsequential. Some defects develop simply due to rail's exposure to the natural environment, while others are the result of the stress of routine operations. FRA's Track Safety Standards govern all aspects of track structure and geometry, and require specific inspection and maintenance actions by railroads. In addition to the recent and pending track rulemakings, which have already been discussed, FRA has embarked on an aggressive program to focus its track-related enforcement efforts on the most likely accident causes. These efforts have helped move the track-caused accident rate in the proper direction. Here, too, our research and development efforts are a critical component of our regulatory efforts and provide the basis for revisions to those regulations and best industry practices.

Most track-caused derailments occur at slow speed and are of minor consequence. FRA has safety standards for all track, including low-speed track and the types of yard and industrial track on which the majority of these incidents occur. However, more serious derailments can occur on mainline tracks that support passenger and high-tonnage freight trains at higher speeds.

To reduce the likelihood of track-caused derailments, FRA has taken action on several fronts:

- Our track inspection program includes FRA track experts who routinely accompany railroad track inspectors as they perform their duties inspecting all types of railroad track, switches and station areas.
- FRA track personnel help assure that track defects are discovered, properly documented, and repaired to monitor the condition of the track structure better.
- FRA uses a small fleet of very specialized railcars that accurately measure track geometry. These cars find track defects and send out notifications to FRA and to the individual railroad that owns the track. These cars are also used as "platforms" on which new inspection technologies can be tried and perfected. These new technologies have improved the accuracy of track defect detection. FRA geometry cars are world-class in their technology and accuracy. Research and development are underway to automate many of these inspection technologies, which will enable FRA and the industry to monitor cost-effectively the state of repair of the rail network on a regular basis.

Highway-Rail Grade Crossing and Trespasser Safety

More than 90 percent of all rail-related fatalities in recent years have been the result of either trespassing on railroad rights of way or else accidents at highway-rail grade crossings.

Highway-Rail Grade Crossings
In recent years, highway-rail grade crossing accidents have resulted in the second-largest number of rail-related deaths in the United States, 33 percent of the total. Yet grade crossing safety has shown vast improvement, as a result of substantial public investment in crossing warning devices and greater public awareness of the risks at grade crossings. Accordingly, the number of grade crossing accident deaths has declined by 30 percent over the last decade. FRA is fully committed to reducing the number, frequency, and severity of collisions at highway-rail grade crossings.

Our multi-faceted approach to addressing highway-rail crossing safety is referred to as the "Three Es": Engineering, Enforcement, and Education. Engineering activities include numerous rulemakings (Locomotive Auxiliary Lights; Rail Car Reflectorization; Inspection, Testing and Maintenance Procedures for Grade Crossing Signal Systems; Use of Locomotive Horns at Public Crossings; and Telephonic Emergency Notification Systems) and advancing the state of technologies that improve safety for drivers, rail employees, and passengers. FRA has long partnered with Operation Lifesaver, Inc., and State and local law enforcement authorities to facilitate grade crossing collision investigation courses and encourage consistent enforcement of highway traffic laws governing motorist behavior at crossings.

With funding from the Federal Highway Administration (FHWA), States have installed and upgraded crossing warning devices, especially at high-risk crossings. Currently, $220 million is authorized annually for States to use to improve highway-rail grade crossings, and more than $4 billion has been spent on crossings since 1974. Determinations about which projects receive funding are made by State departments of transportation or public utility commissions, and must

be based on objective analysis of the relative safety risks associated with each public highway-rail crossing. In addition, under the grant program pursuant to the Intermodal Surface Transportation Efficiency Act, section 1103(c), highway-rail grade crossings along designated high-speed rail corridors were eligible to receive Federal funding for a number of grade crossing hazard elimination activities. FRA and FHWA jointly managed this program. This funding was continued in subsequent surface transportation bills through SAFETEA-LU, and in FY 2012, $15 million was available for grants under the program. Applications were received from 12 States for $25.5 million.

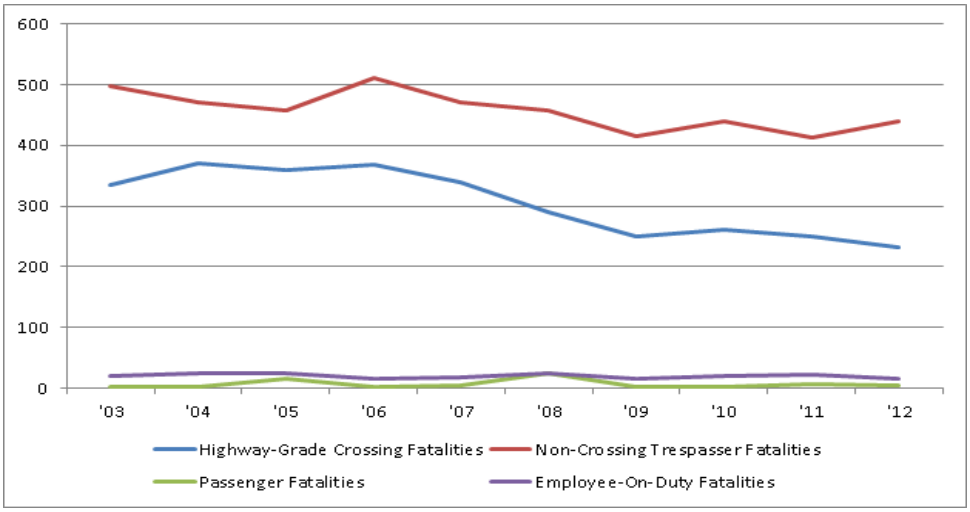
Because fully one-half of all train-highway vehicle collisions occur at crossings that are equipped with active warning devices reported to be functioning as intended, FRA believes that rigorous enforcement of State laws with stiff sanctions for motorist violations of grade crossing signal and traffic laws is an effective strategy to reduce violations and collisions at crossings. In September 2011, FRA provided model State legislation on highway-rail grade crossing violations by motorists. FRA reviewed and evaluated existing State laws and drafted a model law that can be used by States seeking to strengthen their traffic laws.

New Technological Applications

Just this week, FRA announced the launch of a new smartphone application, available in the Apple App store, designed to help reduce the number of highway-rail grade crossing accidents. The Grade Crossing Locator Application allows people to access information about highway-rail grade crossings in their area, helping them to make better decisions around the more than 200,000 highway-rail grade crossings in the United States.

The Grade Crossing Locator Application will enable people not only to locate highway-rail grade crossings in their area, but also to find out what type of traffic control devices are present, the physical characteristics of the crossing, and how many trains pass through daily. FRA is using technology to innovate and connect with Americans about grade-crossing safety because we believe more information leads to smarter choices, driving down the number of accidents and saving lives.

Crossing and Trespassing Fatalities since 2003



Trespassing

The number of trespassing fatalities has decreased by 12 percent since 2003 (there were 498 fatalities in 2003 and 439 fatalities in 2012), but crossing fatalities have decreased more quickly. Extremely difficult to address, trespassing is the most significant cause of death attributable to railroad operations in the United States. Approximately 60 percent of all rail-related fatalities occur to individuals that are not authorized to be on railroad rights-of-way.

FRA, through its research and development program, also developed a five-year strategy addressing trespassing and conducted a trespasser demographic study to better target trespass prevention efforts. The study will be released shortly. In addition, FRA sponsored a targeted, trespass prevention effort in West Palm Beach, Florida to develop a community-oriented mitigation measure that can be utilized by other communities. In 2012, FRA co-sponsored with the Federal Transit Administration a Right-of-Way and Trespass Prevention Workshop that was attended by 174 industry stakeholders. Twenty-three initiatives were identified for reducing trespass accidents. These will form the core of FRA's research and development work on this topic for the next two or three years.

REAUTHORIZATION PRIORITIES

As you know, portions of two important rail laws expire at the end of FY 2013: RSIA and the Passenger Rail Investment and Improvement Act of 2008 (PRIIA). The President's FY 2014 budget for FRA lays out a comprehensive, multi-year reauthorization blueprint for moving forward. The fundamental goal of this proposal is to take a more coordinated approach to enhancing the Nation's rail system–an integrated strategy that addresses safety and passenger and freight service improvements. This new approach better reflects the complex reality of how rail works in the United States–most track is privately-owned and carries a mix of passenger and freight trains. Safety is improved not just through regulations and inspections but also through capital investments; chokepoints often hinder the efficient movement of intercity passenger, commuter, and freight trains, while the elimination of grade crossings with strategic placement of overpasses and underpasses enhance rail, vehicular, and pedestrian safety.

FRA's reauthorization proposal's key priorities include the following:

- **Enhancing world-class rail safety**. Rail is already among the safest modes of transportation, and rail safety has only been improving in recent years. Nevertheless, better safety performance is imperative, and with innovative safety practices and new technologies, the railroad industry can achieve this goal.

- **Modernizing our rail infrastructure**. Past generations of Americans invested heavily in building the infrastructure we rely on today. Most segments of the Northeast Corridor were built more than a century ago, for example. Maintaining and modernizing these assets will lower long-term costs and result in a safer, more reliable rail system.

- **Meeting the growing market demand**. With 100 million more Americans expected by 2050, the national transportation system must be prepared to handle substantial increases in the movement of people and goods. Given the existing capacity constraints on other

modes, rail will play an increasingly vital role in balancing America's transportation system by accommodating this growth, resulting in public benefits such as reduced reliance on foreign oil, reduced air pollution, increased safety, and more travel options. This budget incorporates market-based investments in building or improving passenger rail corridors, eliminating rail chokepoints, adding freight capacity, and conducting comprehensive planning.

- **Promoting innovation**. FRA's vision is for the domestic rail industry to be again world-leading–we want U.S. companies to develop patents for state-of-the-art rail technology, to supply rail operators throughout the world, and to employ the best engineers and railway workers. The United States should be exporting intellectual capital and rail products, not importing them.

- **Ensuring transparency and accountability**. Accomplishing the priorities described above can only occur if these programs are managed through a transparent process that makes it clear what public benefits and service improvements the American people are "buying" with their investments. The roles and responsibilities of the Federal government, States, Amtrak, freight railroads, and other stakeholders must be clear and based on sound public policy.

Need for Predictable Funding

An overarching issue that runs across all of these priorities is the need for sustained and predictable Federal funding for rail programs, similar to the treatment of other modes of transportation. Congress has for decades funded highway infrastructure and safety, transit, and aviation programs through multi-year authorizations that provide guaranteed funding. This enables States, local governments, and other stakeholders to plan for and make large-scale infrastructure investments on a year-to-year basis. Likewise, internationally, other major rail systems have been planned and developed through a predictable multi-year funding program.

The Administration proposes adopting this budgeting approach for rail, including authorizing mandatory contract authority through FY 2018 for FRA's new rail programs. The programs would be funded from resources in a new Rail Account of the Transportation Trust Fund.

RAIL SAFETY REAUTHORIZATION PROPOSALS

RSIA was a key piece of legislation to enhance rail safety comprehensively. The Act authorized 200 new safety positions over a five-year period, but less than a quarter were funded through appropriations. The Act also required FRA to establish a railroad safety technology grant program with $50 million in funding annually for FYs 2009 through FY 2013, but FRA received only one year of funding. For the last four and a half years, FRA has focused on establishing and implementing the regulations, programs, and other measures required by RSIA. Looking ahead, FRA is poised to begin fully implementing these regulations in an effort to drive safety rates to further record lows. In FRA's FY 2014 budget proposal, we have requested 30 new safety staff including 10 regional safety inspectors and 20 railroad safety specialists to directly support implementation of RSIA. The culture of continuous improvement in FRA's safety programs

requires forward-thinking policies and proactive work to address future challenges. FRA is exploring options for addressing a number of important safety regulatory issues, including the following:

- **PTC**—As discussed earlier, RSIA mandates that PTC be implemented across a significant portion of the Nation's rail network by December 31, 2015. With limited exceptions and exclusions, PTC is required to be installed and implemented on Class I railroad main lines (i.e., lines with over 5 million gross tons annually), over which any poisonous- or toxic-inhalation hazard commodities are transported; and on any railroad's main lines over which regularly scheduled intercity passenger or commuter operations are operated.

  -In all, approximately 70,000 miles of track and 20,000 locomotives will have to be equipped with interoperable PTC technology. While some railroads will meet the deadline, many are likely to be challenged by technological and programmatic barriers.

  -In a report to Congress last year, FRA highlighted radio frequency spectrum challenges that could impact timely PTC system implementation. In addition, the railroads must secure licensing approval from the Federal Communications Commission to install the approximately 22,000 antennas necessary to implement PTC.

  -FRA's report also detailed obstacles faced by the industry and outlined mitigation strategies for Congressional consideration, including the extension of the PTC implementation deadline and alternative methods of mitigating the risks prevented by PTC systems.

- **Hours of service**—In 2011 FRA issued fatigue-science-based hours of service regulations for passenger train employees under new authority granted by RSIA. FRA would like to evaluate the benefits and costs of continuing on this course and focus on addressing other fatigue issues with possible expanded authority to regulate the hours of service of other train employees, signal employees, and dispatching service employees based on sound science. Other modal administrations within the U.S. Department of Transportation already have broad safety regulatory authority over hours of service. It may not be necessary to regulate in these areas.

- **Grade crossing analyses**—FRA would welcome the opportunity to work with Congress to establish an appropriate framework for addressing grade crossing issues related to blocked crossings and commercial motor vehicle accidents and incidents at crossings.

- **Harmonize operating rules**—FRA plans to evaluate the benefits and costs of harmonizing railroad operating rules. Each railroad has its own set of operating rules that may differ significantly from one division to another and from one railroad to another. Many operating crew employees are required to learn multiple different operating rules in order to operate safely in a single tour of duty. Harmonizing operating rules will likely reduce unnecessary confusion and create a safer working environment.

- **Improve protection of risk reduction and system safety analyses with respect to property damage claims**—For a risk reduction program to be effective, FRA must have confidence that railroads are conducting robust analyses to accurately identify risks present. FRA will continue to work to balance the interests of safety and the public interest with respect to the litigation protection afforded the railroads in conducting these analyses.

- **Modernize statutory safety requirements**—FRA would also like to modernize certain existing statutory requirements to better reflect current and future innovations and technologies. For instance, statutory requirements related to the movement of defective equipment could be updated to provide greater flexibility to FRA in handling such issues. Similarly, existing statutory language related to locomotives could be revised to account for modern locomotive and locomotive tender design and allow FRA to more readily tackle the safety issues related to the industry's recently expressed desire to achieve fuel efficiencies through use of liquefied natural gas-powered locomotives.

- **Encourage noise mitigation**—Current Environmental Protection Agency rules for railroad noise emissions do not consider the use of noise mitigation technologies and may be an obstacle to the deployment of high-speed passenger rail. Alternative rules may encourage railroads to reduce the impact of noise emissions on communities surrounding rail operations.

- **Research, Development, and Technology**—To date, FRA's research has centered on core rail safety issues such as hours of service and train control systems. The President's vision for rail includes expanding passenger service across the Nation and increasing train speed. While developing a modern rail system, FRA must continue to ensure that rail remains an extremely safe mode of transportation. Consequently, FRA must undertake a new line of research that solves the technical and associated issues necessary for implementing a comprehensive high-performance rail system. FRA proposes a new Research Development and Technology Program, funded at $55 million in FY 2014. Through this program, FRA will make upgrades to the Transportation Technology Center in Pueblo, Colorado that will allow new rail equipment to be tested. This will result in stronger safety standards and early identification of reliability issues, saving maintenance costs over the long run, developing a domestic workforce for rail initiatives, and ensuring better passenger service.

CONCLUSION

Thank you for the opportunity to appear before you today. Safety is FRA's number one priority, and we appreciate your attention and focus on such an important issue for the American public. We look forward to working with this Committee to pursue improvements in our safety programs and make our rail network as safe, reliable, and efficient as possible. I will be happy to respond to your questions.

# # #

Appendix

FRA Rulemakings Completed as of June 1, 2013, that Were Mandated, Explicitly or Implicitly, by RSIA

1. To specify the essential functionalities of mandated PTC systems, define related statutory terms, and identify additional lines for implementation. *(Sec. 104*).

2. To establish substantive hours of service requirements for passenger train employees. *(Sec. 108(d)).*

3. To update existing hours of service recordkeeping regulations. *(Sec.108(f)).*

4. To require State-specific action plans from certain States to improve safety at highway-rail grade crossings. *(Sec. 202).*

5. To require toll-free telephone emergency notification numbers for reporting problems at public and private highway-rail grade crossings. *(Sec. 205).*

6. To require the certification of conductors. *(Sec. 402*).

7. On concrete ties. *(Sec. 403(d)).*

8. To require owners of railroad bridges to implement programs for inspection, maintenance, and management of those structures. *(Sec. 417).*

9. On camp cars used as railroad employee sleeping quarters. *(Sec. 420).*

10. On prohibition of individuals from performing safety-sensitive functions for a violation of hazardous materials transportation law. *(Sec. 305).*

11. On emergency waivers. *(Sec. 308).*

12. Increase the ordinary maximum and aggravated maximum civil penalties per violation for rail safety violations to $25,000 and $100,000, respectively. *(Sec. 302*).

13. Amending regulations of the Office of the Secretary of Transportation to provide that the Secretary delegates to the Administrator of FRA the responsibility to carry out the Secretary's responsibilities under RSIA.

Completed RSIA-Mandated Guidance and Model State Laws

1. On pedestrian safety at or near rail passenger stations (guidance). *(Sec. 201).*

2. For the administration of the authority to buy items of nominal value and distribute them to the public as part of a crossing safety or railroad trespass prevention program (guidance). *(Sec. 208(c*)).

3. Model State law on highway users' sight distances at passively signed highway-rail grade crossings. *(Sec. 203).*

4. Model State law on motorists' violations of grade crossing warning devices. *(Sec. 208).*

Completed RSIA-Mandated Non-periodic Reports or Studies

1. Report to Congress on DOT's long-term (minimum 5-year) strategy for improving rail safety, including annual plans and schedules for achieving specified statutory goals, to be submitted with the President's annual budget. *(Sec. 102).*

2. Report to Congress on the progress of railroads' implementation of PTC. *(Sec. 104).*

3. Conduct study to evaluate whether it is in the public interest to withhold from discovery or admission, in certain judicial proceedings for damages, the reports and data compiled to implement, etc., a required risk reduction program. *(Sec. 109*).

4. Evaluate and review current local, State, and Federal laws regarding trespassing on railroad property, vandalism affecting railroad safety, and violations of highway-rail grade crossing warning devices. *(Sec. 208(a)).*

5. Report to Congress on the results of DOT research about track inspection intervals, etc. *(Sec. 403(a)-(b)).*

6. Conduct study of methods to improve or correct passenger station platform gaps *(Sec. 404*).

7. Report to Congress detailing the results of DOT research about use of personal electronic devices in the locomotive cab by safety-related railroad employees. *(Sec. 405).*

8. Report to Congress on DOT research about the effects of repealing a provision exempting Consolidated Rail Corporation, etc., from certain labor-related laws (45 U.S.C. § 797j). *(Sec. 408).*

9. Report to Congress on the results of DOT research about exposure of railroad employees and others to radiation. *(Sec. 411*).

10. Report to Congress on DOT study on the expected safety effects of reducing inspection frequency of diesel-electric locomotives in limited service by railroad museums. *(Sec. 415).*

11. Report to Congress on model plans and recommendations, to be developed through a task force to be established by DOT, to help railroads respond to passenger rail accidents. *(Sec. 503).*