

114TH CONGRESS
2D SESSION

H. R. 5831

To require the Secretary of Transportation to establish and implement a fatigue management plan, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2016

Ms. DELAURO introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To require the Secretary of Transportation to establish and implement a fatigue management plan, 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. FATIGUE MANAGEMENT PLAN.**

4 (a) IN GENERAL.—Not later than 60 days after the
5 date of enactment of this Act, the Secretary of Transpor-
6 tation shall require all railroad carriers to establish and
7 implement a fatigue management plan that identifies and
8 evaluates any fatigue-related railroad safety hazards on its
9 system and determine the degree of risk associated with
10 each hazard.

1 (b) CONTENTS.—The plan required under subsection
2 (a) shall be completed in accordance with the requirements
3 in section 20156(f) of title 49, United States Code.

4 (c) SUBMISSION.—The plan required under sub-
5 section (a) shall be submitted to the Secretary for ap-
6 proval.

7 (d) CONSENSUS.—In preparing the plan required
8 under subsection (a), each railroad shall use good faith
9 and best efforts in accordance with section 20156(g) of
10 such title to reach an agreement with affected employees.

11 **SEC. 2. HOURS OF SERVICE.**

12 (a) IN GENERAL.—Not later than 180 days after the
13 date of enactment of this Act, the Secretary of Transpor-
14 tation shall ensure that railroad carriers provide railroad
15 employees with predictable and defined work and rest
16 schedules. Predictable work schedules for railroad employ-
17 ees means either a defined start time or a minimum of
18 10 hours prior notification before being required to report
19 to duty.

20 (b) SUPPLEMENTAL REGULATION.—Any require-
21 ment under subsection (a) shall supplement, and not sup-
22 plant, the requirements of section 21103 of title 49,
23 United States Code.

1 **SEC. 3. ENFORCEMENT OF VIOLATIONS.**

2 (a) ENFORCEMENT BY THE SECRETARY OF TRANS-
3 PORTATION.—Section 20111 of title 49, United States
4 Code, is amended—

5 (1) in subsection (a)(1) by inserting “, except
6 that a compromise may not reduce the penalty below
7 the applicable minimum penalty set forth in sections
8 21301 and 21302” before the semicolon; and

9 (2) by adding at the end the following:

10 “(e) MANDATORY ENFORCEMENT.—For any viola-
11 tion for which a penalty is prescribed under this chapter,
12 the Secretary shall impose the applicable penalty for such
13 violation. The Secretary shall impose such penalty not
14 later than 30 days after the violation has occurred without
15 regard to any correction of such violation on the part of
16 the party liable for such violation.”.

17 (b) CERTAIN FEDERAL AND STATE REGULATIONS
18 DEEMED STATUTORY AUTHORITY.—Section 4A of the
19 Act of April 22, 1908 (45 U.S.C. 54a), is amended by
20 inserting “a State or” before “a State agency”.

21 **SEC. 4. INSTALLATION OF AUDIO AND IMAGE RECORDING**
22 **DEVICES.**

23 Section 20168 of title 49, United States Code, is
24 amended—

25 (1) in subsection (b)—

1 (A) in paragraph (2) by striking “and” at
2 the end; and

3 (B) by adding at the end the following:

4 “(4) have a light indicator that illuminates
5 while recording device is in use; and

6 “(5) record when locomotive is moving and
7 cease recording after the locomotive stops.”;

8 (2) in subsection (d)—

9 (A) by inserting “only” before “use record-
10 ings”;

11 (B) in paragraph (1) by striking “and the
12 railroad carrier’s operating rules and proce-
13 dures, including a system-wide program for
14 such verification” and inserting “after a report-
15 able accident or incident occurs”; and

16 (C) by striking paragraph (4);

17 (3) in subsection (e)(2) by inserting “and that
18 complies with subsection (i)” before the period at
19 the end;

20 (4) in subsection (i) by striking “retaliate
21 against an employee” and inserting “retaliate
22 against an employee, including through the use of
23 discipline, or be used in an enforcement proceeding
24 against an employee conducted by the Federal Rail-
25 road Administration”; and

1 (5) by adding at the end the following:

2 “(k) VOLUNTARY IMPLEMENTATION.—

3 “(1) IN GENERAL.—Each rail carrier operating
4 freight rail service may implement any inward- or
5 outward-facing image recording devices approved
6 under subsection (c).

7 “(2) AUTHORIZED USES.—Notwithstanding any
8 other provision of law, each rail carrier operating
9 freight rail service may use recordings from an
10 inward- or outward-facing image recording device
11 approved under subsection (c) only for the purposes
12 described in subsection (d) and in compliance with
13 subsections (f) through (j).”.

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