

117TH CONGRESS
2D SESSION

H. R. 9690

To amend title 49, United States Code, to provide for highway-rail grade crossing separation grants, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 23, 2022

Mr. CARSON introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, to provide for highway-rail grade crossing separation grants, 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 “Blocked Rail Crossings
5 Safety Improvement Act of 2021”.

6 **SEC. 2. HIGHWAY-RAIL GRADE CROSSING SEPARATION**
7 **GRANTS.**

8 (a) IN GENERAL.—Chapter 229 of title 49, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

1 **“§ 22911. Highway-rail grade crossing separation**
2 **grants**

3 “(a) GENERAL AUTHORITY.—The Secretary of
4 Transportation shall make grants under this section to eli-
5 gible entities to assist in funding the cost of highway-rail
6 grade crossing separation projects.

7 “(b) APPLICATION REQUIREMENTS.—To be eligible
8 for a grant under this section, an eligible entity shall sub-
9 mit to the Secretary an application in such form, in such
10 manner, and containing such information as the Secretary
11 may require, including—

12 “(1) an agreement between the entity that owns
13 or controls the railroad right-of-way and the appli-
14 cant addressing access to the railroad right-of-way
15 throughout the project; and

16 “(2) a cost-sharing agreement with the funding
17 amounts that the entity that owns or controls the
18 railroad right-of-way shall contribute to the project,
19 which shall be not less than 10 percent of the total
20 project cost.

21 “(c) ELIGIBLE PROJECTS.—The following projects
22 are eligible to receive a grant under this section:

23 “(1) Installation, repair, or improvement, in-
24 cluding necessary acquisition of real property inter-
25 ests, of highway-rail grade crossing separations.

1 “(2) Highway-rail grade crossing elimination
2 incidental to eligible grade crossing separation
3 projects.

4 “(3) Project planning, development, and envi-
5 ronmental work related to a project described in
6 paragraph (1) or (2).

7 “(d) PROJECT SELECTION CRITERIA.—In awarding
8 grants under this section, the Secretary—

9 “(1) shall give priority to projects that maxi-
10 mize the safety benefits of Federal funding; and

11 “(2) may evaluate applications on the safety
12 profile of the existing crossing, 10-year history of ac-
13 cidents at such crossing, inclusion of the proposed
14 project on a State highway-rail grade crossing action
15 plan, average daily vehicle traffic, total number of
16 trains per day, average daily number of crossing clo-
17 sures, the challenges of grade crossings located near
18 international borders, proximity to established emer-
19 gency evacuation routes, and proximity of commu-
20 nity resources, including schools, hospitals, fire sta-
21 tions, police stations, and emergency medical service
22 facilities.

23 “(e) FEDERAL SHARE OF TOTAL PROJECT COSTS.—

24 “(1) TOTAL PROJECT COSTS.—The Secretary
25 shall estimate the total costs of a project under this

1 section based on the best available information, in-
2 cluding any available engineering studies, studies of
3 economic feasibility, environmental analysis, and in-
4 formation on the expected use of equipment or facili-
5 ties.

6 “(2) FEDERAL SHARE.—The Federal share for
7 a project carried out under this section shall not ex-
8 ceed 85 percent.

9 “(f) GRANT CONDITIONS.—An eligible entity may not
10 receive a grant for a project under this section unless such
11 project complies with section 22905.

12 “(g) LETTERS OF INTENT.—

13 “(1) IN GENERAL.—The Secretary shall, to the
14 maximum extent practicable, issue a letter of intent
15 to a recipient of a grant under this section that—

16 “(A) announces an intention to obligate for
17 a project an amount that is not more than the
18 amount stipulated as the financial participation
19 of the Secretary for the project; and

20 “(B) states that the contingent commit-
21 ment—

22 “(i) is not an obligation of the Fed-
23 eral Government; and

24 “(ii) is subject to the availability of
25 appropriations for grants under this sec-

1 tion and subject to Federal laws in force or
2 enacted after the date of the contingent
3 commitment.

4 “(2) CONGRESSIONAL NOTIFICATION.—

5 “(A) IN GENERAL.—Not later than 3 days
6 before issuing a letter of intent under para-
7 graph (1), the Secretary shall submit written
8 notification to—

9 “(i) the Committee on Transportation
10 and Infrastructure of the House of Rep-
11 resentatives;

12 “(ii) the Committee on Appropriations
13 of the House of Representatives;

14 “(iii) the Committee on Appropria-
15 tions of the Senate; and

16 “(iv) the Committee on Commerce,
17 Science, and Transportation of the Senate.

18 “(B) CONTENTS.—The notification sub-
19 mitted under subparagraph (A) shall include—

20 “(i) a copy of the letter of intent;

21 “(ii) the criteria used under sub-
22 section (d) for selecting the project for a
23 grant; and

24 “(iii) a description of how the project
25 meets such criteria.

1 “(h) APPROPRIATIONS REQUIRED.—An obligation or
2 contingent commitment may be made under subsection (g)
3 only after amounts are appropriated for such purpose.

4 “(i) DEFINITIONS.—In this section:

5 “(1) ELIGIBLE ENTITY.—The term ‘eligible en-
6 tity’ means—

7 “(A) a State;

8 “(B) a public agency or publicly chartered
9 authority;

10 “(C) a metropolitan planning organization;

11 “(D) a political subdivision of a State; and

12 “(E) a Tribal government.

13 “(2) METROPOLITAN PLANNING ORGANIZA-
14 TION.—The term ‘metropolitan planning organiza-
15 tion’ has the meaning given such term in section
16 134(b) of title 23.

17 “(3) STATE.—The term ‘State’ means a State
18 of the United States or the District of Columbia.”.

19 (b) CLERICAL AMENDMENT.—The analysis for chap-
20 ter 229 of title 49, United States Code, is amended by
21 adding at the end the following:

“22911. Highway-rail grade crossing separation grants.”.

22 **SEC. 3. RAIL SAFETY PUBLIC AWARENESS GRANT.**

23 Section 22907 of title 49, United States Code, is
24 amended by adding at the end the following new sub-
25 section:

1 “(m) RAIL SAFETY PUBLIC AWARENESS GRANTS.—

2 “(1) GRANT.—Of the amounts made available
3 to carry out this section, the Secretary shall make
4 grants to nonprofit organizations to carry out public
5 information and education programs to help prevent
6 and reduce rail-related pedestrian, motor vehicle,
7 and other incidents, injuries, and fatalities, and to
8 improve awareness along railroad right-of-way and
9 at highway-rail grade crossings.

10 “(2) SELECTION.—Programs eligible for a
11 grant under this subsection—

12 “(A) shall include, as appropriate—

13 “(i) development, placement, and dis-
14 semination of public service announce-
15 ments in appropriate media;

16 “(ii) school presentations, driver and
17 pedestrian safety education, materials, and
18 public awareness campaigns; and

19 “(iii) disseminating information to the
20 public on how to identify and report to the
21 appropriate authorities—

22 “(I) unsafe or malfunctioning
23 highway-rail grade crossings and
24 equipment; and

1 “(II) high-risk and unsafe behav-
2 ior and trespassing around railroad
3 right-of-way; and

4 “(B) may include targeted and sustained
5 outreach in communities at greatest risk to de-
6 velop measures to reduce such risk.

7 “(3) COORDINATION.—Eligible entities shall co-
8 ordinate program activities with local communities,
9 law enforcement and emergency responders, and
10 railroad carriers, as appropriate, and ensure consist-
11 ency with State highway-rail grade crossing action
12 plans required under section 11401(b) of the FAST
13 Act (49 U.S.C. 22501 note) and the report titled
14 ‘National Strategy to Prevent Trespassing on Rail-
15 road Property’ issued by the Federal Railroad Ad-
16 ministration in October 2018.

17 “(4) PRIORITIZATION.—In awarding grants
18 under this subsection, the Administrator shall give
19 priority to applications for programs that—

20 “(A) are nationally recognized;

21 “(B) are targeted at schools in close prox-
22 imity to railroad right-of-way;

23 “(C) partner with nearby railroad carriers;

24 or

1 “(D) focus on communities with a recorded
2 history of repeated pedestrian and motor vehicle
3 accidents, incidents, injuries, and fatalities at
4 highway-rail grade crossings and along railroad
5 right-of-way.

6 “(5) APPLICABILITY.—Section 22905 shall not
7 apply to contracts and agreements made under this
8 subsection.”.

9 **SEC. 4. ESTABLISHMENT OF 10-MINUTE TIME LIMIT FOR**
10 **BLOCKING PUBLIC HIGHWAY-RAIL GRADE**
11 **CROSSINGS.**

12 (a) IN GENERAL.—Subchapter II of chapter 201 of
13 title 49, United States Code, is amended by adding at the
14 end the following:

15 **“§ 20172. Time limit for blocking public highway-rail**
16 **grade crossing**

17 “(a) TIME LIMIT.—A railroad carrier may not cause
18 a blocked crossing incident that is longer than 10 minutes
19 in duration, unless the blocked crossing incident is caused
20 by—

21 “(1) a casualty or serious injury;

22 “(2) an accident;

23 “(3) a track obstruction;

24 “(4) actions necessary to comply with Federal
25 rail safety laws, regulations, or orders issued there-

1 under unless the action to comply could reasonably
2 occur at a different time or location;

3 “(5) actions necessary to adhere to section
4 24308;

5 “(6) a train fully contained within rail yard lim-
6 its or fully contained in a rail siding;

7 “(7) an act of God; or

8 “(8) a derailment or a safety appliance equip-
9 ment failure that prevents the train from advancing.

10 “(b) INVESTIGATION OF FREQUENTLY BLOCKED
11 CROSSINGS.—For any public highway-rail grade crossing
12 that has had 3 or more blocked crossing incidents that
13 exceed the time limit set forth in subsection (a) and are
14 reported to the blocked crossing database, and such inci-
15 dents have occurred on at least 3 calendar days within
16 a 30-day period, the Secretary shall—

17 “(1) provide an electronic notice of the number
18 of reported blocked crossing incidents to the railroad
19 carrier that owns the public highway-rail grade
20 crossing;

21 “(2) investigate the causes of the blocked cross-
22 ing incidents; and

23 “(3) investigate possible measures to reduce the
24 frequency and duration of blocked crossing incidents
25 at such grade crossing.

1 “(c) RECORDKEEPING.—

2 “(1) IN GENERAL.—A railroad carrier shall,
3 upon receiving a notice under subsection (b), main-
4 tain train location data records for the public high-
5 way-rail grade crossing that was the subject of the
6 notice.

7 “(2) CONTENTS OF RECORDS.—The train loca-
8 tion data records required under paragraph (1) shall
9 include—

10 “(A) a list of all blocked crossing incidents
11 at the public highway-rail grade crossing that is
12 the subject of the report exceeding 10 minutes;

13 “(B) the cause of the blocked crossing inci-
14 dent (to the extent available);

15 “(C) train length; and

16 “(D) the estimated duration of each
17 blocked crossing incident.

18 “(3) CONSULTATION.—Beginning on the date
19 on which a railroad carrier receives a notice under
20 subsection (b), the Secretary may consult with the
21 carrier for a period of 60 days to address concerns
22 with blocked crossing incidents at the public high-
23 way-rail grade crossing that is the subject of the no-
24 tice.

1 “(4) EXPIRATION OF DATA COLLECTION.—The
2 requirement to maintain records under paragraph
3 (1) shall cease with respect to a public highway-rail
4 grade crossing noticed under subsection (b)(2) if
5 there are no reports submitted to the blocked cross-
6 ing database for blocked crossing incidents reported
7 to occur at such grade crossing during the previous
8 365 consecutive calendar days.

9 “(d) CIVIL PENALTIES.—

10 “(1) IN GENERAL.—The Secretary may issue
11 civil penalties in accordance with section 21301 to
12 railroad carriers for violations of subsection (a) oc-
13 ccurring 60 days after the date of submission of a no-
14 tice under subsection (b).

15 “(2) RELEASE OF RECORDS.—Upon the request
16 of, and under requirements set by, the Secretary,
17 railroad carriers shall provide the records main-
18 tained pursuant to subsection (c)(1) to the Adminis-
19 trator of the Federal Railroad Administration.

20 “(3) ALTERNATE ROUTE EXEMPTION.—Civil
21 penalties may not be issued for violations of sub-
22 section (a) that occur at a public highway-rail grade
23 crossing if an alternate route created by a public
24 highway-rail grade separation exists within a half

1 mile by road mileage of such public highway-rail
2 grade crossing.

3 “(4) GRADE SEPARATION PROJECT.—Civil pen-
4 alties may not be issued for violations of subsection
5 (a) if the violation occurs at a public highway-rail
6 grade crossing for which there is a proposed grade
7 separation project—

8 “(A) that has received written agreement
9 from the relevant local authorities; and

10 “(B) for which railroad carrier and project
11 funding from all parties has been budgeted.

12 “(5) CONSIDERATIONS.—In determining civil
13 penalties under this section, the Secretary shall con-
14 sider increased penalties in a case in which a pattern
15 of the blocked crossing incidents continue to cause
16 delays to State or local emergency services.

17 “(e) APPLICATION TO AMTRAK AND COMMUTER
18 RAILROADS.—This section shall not apply to Amtrak or
19 commuter authorities, including Amtrak and commuter
20 authorities’ operations run or dispatched by a Class I rail-
21 road.

22 “(f) DEFINITIONS.—In this section:

23 “(1) BLOCKED CROSSING DATABASE.—The
24 term ‘blocked crossing database’ means the national

1 blocked crossing database established under section
2 20174.

3 “(2) **BLOCKED CROSSING INCIDENT.**—The term
4 ‘blocked crossing incident’ means a circumstance in
5 which a train, locomotive, rail car, or other rail
6 equipment is stopped in a manner that obstructs
7 travel at a public highway-rail grade crossing.

8 “(3) **PUBLIC HIGHWAY-RAIL GRADE CROSS-**
9 **ING.**—The term ‘public highway-rail grade crossing’
10 means a location within a State in which a public
11 highway, road, or street, including associated side-
12 walks and pathways, crosses 1 or more railroad
13 tracks at grade.”.

14 (b) **CLERICAL AMENDMENT.**—The analysis for sub-
15 chapter II of chapter 201 of title 49, United States Code,
16 is further amended by adding at the end the following new
17 item:

“20172. Time limit for blocking public highway-rail grade crossing.”.

18 **SEC. 5. NATIONAL BLOCKED CROSSING DATABASE.**

19 (a) **IN GENERAL.**—Subchapter II of chapter 201 of
20 title 49, United States Code, as amended by this Act, is
21 further amended by adding at the end the following:

22 **“§ 20173. National blocked crossing database**

23 “(a) **DATABASE.**—Not later than 45 days after the
24 date of enactment of this section, the Secretary of Trans-

1 portation shall establish a national blocked crossings data-
 2 base for the public to report blocked crossing incidents.

3 “(b) PUBLIC AWARENESS.—Not later than 60 days
 4 after the date of enactment of this section, the Secretary
 5 shall require each railroad carrier to publish the active link
 6 to report blocked crossing incidents on the website of the
 7 national blocked crossings database described in sub-
 8 section (a) on the home page of the publicly available
 9 website of the railroad carrier.

10 “(c) BLOCKED CROSSING INCIDENT; PUBLIC HIGH-
 11 WAY-RAIL GRADE CROSSING.—In this section, the terms
 12 ‘blocked crossing incident’ and ‘public highway-rail grade
 13 crossing’ have the meanings given the terms in section
 14 20173.”.

15 (b) CLERICAL AMENDMENT.—The analysis for sub-
 16 chapter II of chapter 201 of title 49, United States Code,
 17 is further amended by adding at the end the following new
 18 item:

“20173. National blocked crossing database.”.

19 **SEC. 6. RAILROAD POINT OF CONTACT FOR BLOCKED**
 20 **CROSSING MATTERS.**

21 Section 20152 of title 49, United States Code, is
 22 amended—

23 (1) in subsection (a)—

24 (A) in paragraph (1)—

1 (i) in subparagraph (C) by striking
2 “or” at the end;

3 (ii) by redesignating subparagraph
4 (D) as subparagraph (E); and

5 (iii) by inserting the following after
6 subparagraph (C):

7 “(D) blocked crossing incident, as defined
8 in section 20173; or”;

9 (B) in paragraph (4)—

10 (i) by striking “paragraph (1)(C) or
11 (D)” and inserting “subparagraph (C),
12 (D), or (E) of paragraph (1)”;

13 (ii) by striking “and” at the end;

14 (C) in paragraph (5) by striking the period
15 at the end and inserting a semicolon; and

16 (D) by adding at the end the following:

17 “(6) upon receiving a report of a blocked cross-
18 ing pursuant to paragraph (1)(D), the railroad car-
19 rier shall, within 14 days of receipt of the report—

20 “(A) verify that the public highway-rail
21 grade crossing, as defined in section 20173, was
22 blocked for a period of at least 10 minutes; and

23 “(B) upon positive verification of the re-
24 port, enter the report into the national blocked

1 crossings database established in section 20174;
2 and

3 “(7) promptly inform the Secretary of any up-
4 date to the number maintained under paragraph
5 (1).”; and

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

7 “(c) PUBLICATION OF TELEPHONE NUMBERS.—The
8 Secretary shall make any telephone number established
9 under subsection (a) publicly available on the website of
10 the Department of Transportation.”.

11 **SEC. 7. NATIONAL HIGHWAY-RAIL CROSSING INVENTORY**

12 **REVIEW.**

13 (a) IN GENERAL.—Not later than 180 days after the
14 date of enactment of this Act, the Secretary of Transpor-
15 tation shall expend such sums as are necessary to conduct
16 a comprehensive review of the national highway-rail cross-
17 ing inventory of the Department of Transportation estab-
18 lished under section 20160 of title 49, United States Code.

19 (b) CONTENTS.—In conducting the review required
20 under subsection (a), the Secretary shall—

21 (1) verify the accuracy of the geographical loca-
22 tion data contained in the inventory described in
23 subsection (a) using mapping technologies and other
24 methods; and

1 (2) notify the relevant railroad and State agen-
2 cies of the erroneous data in the inventory and re-
3 quire such entities to correct the erroneous data
4 within 30 days of notification.

5 (c) STATE REPORTS.—The Secretary shall require
6 State agencies to ensure that any geographic data con-
7 tained in the inventory described in subsection (a) remains
8 consistent with any geographic data identified in biennial
9 State reports required under section 130 of title 23,
10 United States Code.

11 (d) REPORT.—Not later than 120 days after the com-
12 pletion of the review required under subsection (a), the
13 Secretary shall submit to the Committee on Transpor-
14 tation and Infrastructure of the House of Representatives
15 and the Committee on Commerce, Science, and Transpor-
16 tation of the Senate a report summarizing the corrections
17 made to the inventory described in subsection (a) and the
18 Secretary’s plans to ensure continued accuracy of such in-
19 ventory.

20 **SEC. 8. RAILROAD TRESPASSING ENFORCEMENT GRANTS.**

21 Section 22907 of title 49, United States Code, is fur-
22 ther amended by adding at the end the following:

23 “(n) RAILROAD TRESPASSING ENFORCEMENT
24 GRANTS.—

1 “(1) IN GENERAL.—Of the amounts made
2 available under this section, the Secretary may make
3 grants to public law enforcement agencies engaged
4 in, or seeking to engage in, suicide prevention efforts
5 along railroad right-of-way to pay wages of law en-
6 forcement personnel to patrol railroad right-of-way
7 located in communities at risk for rail trespassing
8 incidents and fatalities.

9 “(2) PRIORITIZATION.—In awarding grants
10 under this subsection, the Administrator shall give
11 priority to applications from entities that have juris-
12 diction within the boundaries of the 10 States with
13 the highest incidence of rail trespass related casual-
14 ties as reported in the previous fiscal year, as re-
15 ported by the National Rail Accident Incident Re-
16 porting System.

17 “(3) LIMITATION.—The Secretary shall not
18 award more than 3 annual grants under this sub-
19 section to the same entity.”.

20 **SEC. 9. RAILROAD TRESPASSING SUICIDE PREVENTION**
21 **GRANTS.**

22 Section 22907 of title 49, United States Code, is fur-
23 ther amended by adding at the end the following:

24 “(o) RAILROAD TRESPASSING SUICIDE GRANTS.—

1 “(1) IN GENERAL.—Of the amounts made
2 available to carry out this section, the Secretary may
3 make grants to eligible entities to implement a pub-
4 lic outreach campaign to reduce the number of rail-
5 road suicides.

6 “(2) ELIGIBLE ENTITY.—In this subsection, the
7 term ‘eligible entity’ means a nonprofit mental
8 health organization engaged in, or seeking to engage
9 in, suicide prevention efforts along railroad right-of-
10 way in partnership with a railroad carrier, as de-
11 fined in section 20102.”.

12 **SEC. 10. INCLUDING RAILROAD SUICIDES.**

13 (a) IN GENERAL.—Not less than 180 days after the
14 enactment of this Act, the Secretary of Transportation
15 shall revise any regulations, guidance, or other relevant
16 agency documents to include the number of suicides on
17 a railroad crossing or railroad right-of-way in the total
18 number of rail fatalities the Secretary reports each year.

19 (b) AUTHORITY OF THE SECRETARY.—In carrying
20 out subsection (a), the Secretary may require Federal,
21 State, and local agencies, railroads, or other entities to
22 submit such data as necessary.

23 (c) APPLICABILITY OF RULEMAKING REQUIRE-
24 MENTS.—The requirements of section 553 of title 5,

1 United States Code, shall not apply to the modification
2 required by subsection (a).

3 **SEC. 11. REPORT ON SAFETY MEASURES REQUIRED FOR**
4 **QUIET ZONES.**

5 Not later than 180 days after the date of enactment
6 of this Act, the Administrator of the Federal Railroad Ad-
7 ministration shall—

8 (1) submit to Congress a report on any supple-
9 mentary safety measures and alternative safety
10 measures not contained in part 222 of title 49, Code
11 of Federal Regulations, that can be used to qualify
12 for a Quiet Zone or Partial Quiet Zone; and

13 (2) include in the report submitted under para-
14 graph (1)—

15 (A) a summary of the supplementary safe-
16 ty measures and alternative safety measures for
17 which a public authority has requested approval
18 from the Administrator to implement; and

19 (B) an explanation for why such requests
20 were not granted.

○