

**AMENDMENT TO THE AMENDMENT IN THE
NATURE OF A SUBSTITUTE TO COMMITTEE PRINT
OFFERED BY MRS. SYKES OF OHIO**

Add at the end the following:

1 SEC. ____ . RECOMMENDATIONS FOR SAFETY.

2 (a) RULEMAKING.—Not later than 1 year after the
3 date on which the National Transportation Safety Board
4 issues the report on the East Palestine, Ohio crash, the
5 Secretary of Transportation, in consultation with the Ad-
6 ministrator of the Federal Railroad Administration, shall
7 issue regulations, or modify existing regulations, based on
8 such report establishing safety requirements, in accord-
9 ance with subsection (b), with which a rail carrier oper-
10 ating a train transporting hazardous materials that is not
11 subject to the requirements for a high-hazard flammable
12 train under section 174.310 of title 49, Code of Federal
13 Regulations, shall comply with respect to the operation of
14 each such train and the maintenance of specification tank
15 cars.

16 (b) REQUIREMENTS.—The regulations issued pursu-
17 ant to subsection (a) shall require rail carriers—

18 (1) to provide advance notification and informa-
19 tion regarding the transportation of hazardous mate-

1 rials described in subsection (a) to each State emer-
2 gency response commissioner, the tribal emergency
3 response commission, or any other State or tribal
4 agency responsible for receiving the information no-
5 tification for emergency response planning informa-
6 tion;

7 (2) to include, in the notification provided pur-
8 suant to paragraph (1), a written gas discharge plan
9 with respect to the applicable hazardous materials
10 being transported; and

11 (3) to reduce or eliminate blocked crossings re-
12 sulting from delays in train movements.

13 (c) **ADDITIONAL REQUIREMENTS.**—In developing the
14 regulations required under subsection (a), the Secretary
15 shall include requirements regarding—

- 16 (1) train length and weight;
- 17 (2) train consist;
- 18 (3) route analysis and selection;
- 19 (4) speed restrictions;
- 20 (5) track standards;
- 21 (6) track, bridge, and rail car maintenance;
- 22 (7) signaling and train control; and
- 23 (8) response plans.

24 **SEC. ____.** **INSPECTIONS.**

25 (a) **TIME AVAILABLE FOR INSPECTION.**—

1 (1) IN GENERAL.—Subchapter II of chapter
2 201 of title 49, United States Code, is amended by
3 adding at the end the following:

4 **“§ 20172. Time available for inspection**

5 “(a) IN GENERAL.—No railroad may limit the time
6 required for an employee to complete a railcar, locomotive,
7 or brake inspection to ensure that each railcar, locomotive,
8 and brake system complies with safety laws and regula-
9 tions.

10 “(b) REQUIREMENT.—Employees shall perform their
11 inspection duties promptly and shall not delay other than
12 for reasons related to safety.”.

13 (2) CLERICAL AMENDMENT.—The analysis for
14 subchapter II of chapter 201 of title 49, United
15 States Code, is amended by adding at the end the
16 following:

 “20172. Time available for inspection.”.

17 (b) PRE-DEPARTURE RAILCAR INSPECTIONS.—Not
18 later than 120 days after the date of the enactment of
19 this Act, the Secretary of Transportation shall amend the
20 pre-departure inspection requirements for Class I rail-
21 roads under part 215 of title 49, Code of Federal Regula-
22 tions (as written on such date of enactment)—

23 (1) to ensure that after initial consultation with
24 the Federal Railroad Administration, and after each
25 subsequent annual consultation, each railroad identi-

1 fies inspection locations and, at such locations, has
2 inspectors designated under part 215 available for
3 the purpose of inspecting freight cars;

4 (2) to ensure that all freight cars are inspected
5 by an inspector designated under part 215 at a des-
6 ignated inspection location in the direction of travel
7 as soon as practicable; and

8 (3) to require each railroad that operates rail-
9 road freight cars to which such part 215 applies to
10 designate persons qualified to inspect railroad
11 freight rail cars, subject to any existing collective
12 bargaining agreement, for compliance and deter-
13 minations required under such part.

14 (c) QUALIFIED LOCOMOTIVE INSPECTIONS.—Not
15 later than 1 year after the date of the enactment of this
16 Act, the Secretary shall review and amend, as necessary,
17 regulations under chapters 229 and 243 of title 49, Code
18 of Federal Regulations—

19 (1) to ensure appropriate training qualifications
20 and proficiency of employees, including qualified me-
21 chanical inspectors, performing locomotive inspec-
22 tions; and

23 (2) for locomotives in service on a Class I rail-
24 road, to require an additional daily inspection to be
25 performed by a qualified mechanical inspector be-

1 tween the current intervals under section
2 229.23(b)(2) of title 49, Code of Federal Regula-
3 tions.

4 (d) AUDITS.—

5 (1) IN GENERAL.—Not later than 60 days after
6 the date of the enactment of this Act, the Secretary
7 shall initiate audits of Federal railcar, locomotive,
8 and train brake system inspection compliance with
9 chapter II of subtitle B of title 49, Code of Federal
10 Regulations, which—

11 (A) consider whether the railroad has in
12 place procedures necessary for railcar, loco-
13 motive, and train brake system inspection com-
14 pliance under such chapter;

15 (B) assess the type, content, and adequacy
16 of training and performance metrics the rail-
17 road provides employees who perform railcar,
18 locomotive, and train brake system inspections,
19 including the qualifications specified for such
20 employees;

21 (C) determine whether the railroad has
22 practices that would interfere with an employ-
23 ee's responsibility to perform an inspection
24 safely;

1 (D) determine whether railcars, loco-
2 motives, and train brake systems are inspected
3 on the railroad's network in accordance with
4 such chapter;

5 (E) involve proper communication of iden-
6 tified defects to railroad personnel and make
7 appropriate use of remedial action reports to
8 verify that repairs are made;

9 (F) determine whether managers coerce
10 employees to sign off on any documents
11 verifying an inspection or repair of a railcar, lo-
12 comotive, or train brake system;

13 (G) determine whether the railroad's in-
14 spection procedures reflect the current oper-
15 ating practices of the railroad carrier; and

16 (H) ensure that railroad inspection proce-
17 dures only provide for the use of persons per-
18 mitted to perform each relevant inspection
19 under such chapter.

20 (2) AUDIT SCHEDULING.—The Secretary
21 shall—

22 (A) schedule the audits required under
23 paragraph (1) to ensure that—

1 (i) every Class I railroad is audited
2 not less frequently than once every 5 years;
3 and

4 (ii) a limited number, as determined
5 by the Secretary, of Class II and Class III
6 railroads are audited annually, provided
7 that—

8 (I) no audit of a tourist, scenic,
9 historic, or excursion operation may
10 be required under this subsection; and

11 (II) no other Class II or III rail-
12 road may be audited more frequently
13 than once every 5 years; and

14 (B) conduct the audits described in sub-
15 paragraph (A)(ii) in accordance with—

16 (i) the Small Business Regulatory En-
17 forcement Fairness Act of 1996 (5 U.S.C.
18 601 note); and

19 (ii) appendix C of part 209 of title 49,
20 Code of Federal Regulations.

21 (3) UPDATES TO INSPECTION PROGRAM AND
22 PROCEDURES.—If, during an audit required under
23 this subsection, the auditor identifies a deficiency in
24 a railroad's procedures or practices necessary to en-
25 sure compliance with chapter II of subtitle B of title

1 49, Code of Federal Regulations, the railroad shall
2 eliminate such deficiency, after first being provided
3 the opportunity to address whether such a deficiency
4 exists.

5 (4) CONSULTATION AND COOPERATION.—

6 (A) CONSULTATION.—In conducting any
7 audit required under this subsection, the Sec-
8 retary shall consult with the railroad being au-
9 dited and its employees, including any nonprofit
10 employee labor organization representing the
11 employees of the railroad that conduct railcar,
12 locomotive, or train brake system inspections.

13 (B) COOPERATION.—The railroad being
14 audited and its employees, including any non-
15 profit employee labor organization representing
16 mechanical employees, shall fully cooperate with
17 any audit conducted pursuant to this sub-
18 section—

19 (i) by providing any relevant docu-
20 ments requested; and

21 (ii) by making available any employees
22 for interview without undue delay or ob-
23 struction.

24 (C) FAILURE TO COOPERATE.—If the Sec-
25 retary determines that a railroad or any of its

1 employees, including any nonprofit employee
2 labor organization representing mechanical em-
3 ployees of the railroad is not fully cooperating
4 with an audit conducted pursuant to this sub-
5 section, the Secretary shall electronically notify
6 the Committee on Commerce, Science, and
7 Transportation of the Senate and the Com-
8 mittee on Transportation and Infrastructure of
9 the House of Representatives of such non-
10 cooperation.

11 (e) REVIEW OF REGULATIONS.—Not later than 5
12 years after the date of the enactment of this Act, and peri-
13 odically thereafter, the Secretary shall determine whether
14 any update to chapters I and II of subtitle B of title 49,
15 Code of Federal Regulations, is necessary to ensure the
16 adequacy of railcar, locomotive, and train brake system
17 inspections.

18 (f) ANNUAL REPORT.—The Secretary shall publish
19 an annual report on the public website of the Federal Rail-
20 road Administration that—

21 (1) summarizes the findings of the audits con-
22 ducted pursuant to subsection (c) during the most
23 recently concluded fiscal year;

1 (2) summarizes any updates made to chapter I
2 or II of subtitle B of title 49, Code of Federal Regu-
3 lations, pursuant to this section; and

4 (3) excludes any confidential business informa-
5 tion or sensitive security information.

6 (g) **RULE OF CONSTRUCTION.**—Nothing in this sec-
7 tion may be construed—

8 (1) to provide the Secretary with any authority
9 to interpret, revise, alter, or apply a collectively bar-
10 gained agreement, nor any authority over collective
11 bargaining, collectively bargained agreements, or any
12 aspect of the Railway Labor Act (45 U.S.C. 151 et
13 seq.);

14 (2) to alter the terms or interpretations of ex-
15 isting collective bargaining agreements; or

16 (3) to abridge any procedural rights or rem-
17 edies provided under a collectively bargained agree-
18 ment.

19 **SEC. ____.** **DEFECT DETECTORS.**

20 (a) **RULEMAKING.**—Not later than 1 year after the
21 date of the enactment of this Act, the Secretary of Trans-
22 portation shall issue regulations establishing requirements
23 for the installation, repair, testing, maintenance, and oper-
24 ation of wayside defect detectors for each rail carrier oper-
25 ating a train consist carrying hazardous materials.

1 (b) REQUIREMENTS.—The regulations issued pursu-
2 ant to subsection (a) shall include requirements regard-
3 ing—

4 (1) the frequency of the placement of wayside
5 defect detectors, including a requirement that all
6 Class I railroads install a hotbox detector along
7 every 10-mile segment of rail track over which trains
8 carrying hazardous materials operate;

9 (2) performance standards for such detectors;

10 (3) the maintenance and repair requirements
11 for such detectors;

12 (4) reporting data and maintenance records of
13 such detectors;

14 (5) appropriate steps the rail carrier must take
15 when receiving an alert of a defect or failure from
16 or regarding a wayside defect detector; and

17 (6) the use of hotbox detectors to prevent
18 derailments from wheel bearing failures, including—

19 (A) the temperatures, to be specified by
20 the Secretary, at which an alert from a hotbox
21 detector is triggered to warn of a potential
22 wheel bearing failure; and

23 (B) any actions that shall be taken by a
24 rail carrier upon receiving an alert from a hot-

1 box detector of a potential wheel bearing fail-
2 ure.

3 (c) DEFECT AND FAILURE IDENTIFICATION.—The
4 Secretary shall specify the categories of defects and fail-
5 ures that wayside defect detectors covered by regulations
6 issued pursuant to subsection (a) shall address, includ-
7 ing—

- 8 (1) axles;
- 9 (2) wheel bearings;
- 10 (3) brakes;
- 11 (4) signals;
- 12 (5) wheel impacts; and
- 13 (6) other defects or failures specified by the
14 Secretary.

15 (d) SAFETY PLACARDS.—

16 (1) IN GENERAL.—In issuing regulations under
17 subsection (a), the Secretary shall require that plac-
18 ards covered under section 172.519 of title 49, Code
19 of Federal Regulations, be able to withstand heat in
20 excess of 180 degrees.

21 (2) UPDATE BASED ON RECOMMENDATIONS.—
22 The Secretary may, upon recommendation from the
23 National Transportation Safety Board, issue such
24 regulations as are necessary to increase the heat
25 threshold described in paragraph (1).

1 **SEC. ____ . INCREASING MAXIMUM CIVIL PENALTIES FOR**
2 **VIOLATIONS OF RAIL SAFETY REGULATIONS.**

3 (a) CIVIL PENALTIES RELATED TO TRANSPORTING
4 HAZARDOUS MATERIALS.—Section 5123(a) of title 49,
5 United States Code, is amended—

6 (1) in paragraph (1), in the matter preceding
7 subparagraph (A), by striking “\$75,000” and insert-
8 ing “the greater of 0.5 percent of the person’s an-
9 nual income or annual operating income or
10 \$750,000”; and

11 (2) in paragraph (2), by striking “\$175,000”
12 and inserting “the greater of 1 percent of the per-
13 son’s annual income or annual operating income or
14 \$1,750,000”.

15 (b) GENERAL VIOLATIONS OF CHAPTER 201.—Sec-
16 tion 21301(a)(2) of title 49, United States Code, is
17 amended—

18 (1) by striking “\$25,000.” and inserting “the
19 greater of 0.5 percent of the person’s annual income
20 or annual operating income or \$250,000”; and

21 (2) by striking “\$100,000.” and inserting “the
22 greater of 1 percent of the person’s annual income
23 or annual operating income or \$1,000,000”.

24 (c) ACCIDENT AND INCIDENT VIOLATIONS OF CHAP-
25 TER 201; VIOLATIONS OF CHAPTERS 203 THROUGH
26 209.—Section 21302(a) is amended—

1 (1) in paragraph (1), by striking “203–209”
2 each place it appears and inserting “203 through
3 209”; and

4 (2) in paragraph (2)—

5 (A) by striking “\$25,000” and inserting
6 “the greater of 0.5 percent of the person’s an-
7 nual income or annual operating income or
8 \$250,000”; and

9 (B) by striking “\$100,000” and inserting
10 “the greater of 1 percent of the person’s annual
11 income or annual operating income or
12 \$1,000,000”.

13 (d) VIOLATIONS OF CHAPTER 211.—Section
14 21303(a)(2) is amended—

15 (1) by striking “\$25,000.” and inserting “the
16 greater of 0.5 percent of the person’s annual income
17 or annual operating income or \$250,000”; and

18 (2) by striking “\$100,000.” and inserting “the
19 greater of 1 percent of the person’s annual income
20 or annual operating income or \$1,000,000”.

21 **SEC. ____ . SAFER TANK CARS.**

22 (a) PHASE-OUT SCHEDULE.—Beginning on May 1,
23 2030, a rail carrier may not use DOT–111 specification
24 railroad tank cars that do not comply with DOT–117,
25 DOT–117P, or DOT–117R specification requirements, as

1 in effect on the date of enactment of this Act, to transport
2 Class 3 flammable liquids regardless of the composition
3 of the train consist.

4 (b) CONFORMING REGULATORY AMENDMENTS.—

5 (1) IN GENERAL.—The Secretary—

6 (A) shall immediately remove or revise the
7 date-specific deadlines in any applicable regula-
8 tions or orders to the extent necessary to con-
9 form with the requirement under subsection (a);
10 and

11 (B) may not enforce any date-specific
12 deadlines or requirements that are inconsistent
13 with the requirement under subsection (a).

14 (2) RULE OF CONSTRUCTION.—Except as re-
15 quired under paragraph (1), nothing in this section
16 may be construed to require the Secretary to issue
17 regulations to implement this section.

18 **SEC. ____ . HAZARDOUS MATERIALS TRAINING FOR FIRST**
19 **RESPONDERS.**

20 (a) ANNUAL REGISTRATION FEE.—Section 5108(g)
21 of title 49, United States Code, is amended by adding at
22 the end the following:

23 “(4) ADDITIONAL FEE FOR CLASS I RAIL CAR-
24 RIERS.—In addition to the fees collected pursuant to
25 paragraphs (1) and (2), the Secretary shall establish

1 and annually impose and collect from each Class I
2 rail carrier a fee in an amount equal to
3 \$1,000,000.”.

4 (b) ASSISTANCE FOR LOCAL EMERGENCY RESPONSE
5 TRAINING.—Section 5116(j)(1)(A) of title 49, United
6 States Code, is amended—

7 (1) by striking “liquids” and inserting “mate-
8 rials”; and

9 (2) in paragraph (3), by amending subpara-
10 graph (A) to read as follows:

11 “(A) IN GENERAL.—To carry out the
12 grant program established pursuant to para-
13 graph (1), the Secretary may expend, during
14 each fiscal year—

15 “(i) the amounts collected pursuant to
16 section 5108(g)(4); and

17 “(ii) any amounts recovered during
18 such fiscal year from grants awarded
19 under this section during a prior fiscal
20 year.”.

21 (c) SUPPLEMENTAL TRAINING GRANTS.—Section
22 5128(b)(4) of title 49, United States Code is amended by
23 striking “\$2,000,000” and inserting “\$4,000,000”.

1 **SEC. ____.** **FREIGHT TRAIN CREW SIZE SAFETY STANDARDS.**

2 (a) FREIGHT TRAIN CREW SIZE.—Subchapter II of
3 chapter 201 of title 49, United States Code, is amended
4 by inserting after section 20153 the following:

5 **“§ 20154. Freight train crew size safety standards**

6 “(a) MINIMUM CREW SIZE.—Except as provided in
7 subsection (b), no Class I railroad carrier may operate a
8 freight train without a 2-person crew consisting of at least
9 1 appropriately qualified and certified conductor and 1 ap-
10 propriately qualified and certified locomotive engineer.

11 “(b) EXCEPTIONS.—

12 “(1) IN GENERAL.—Except as provided in para-
13 graph (2), the requirement under subsection (a)
14 shall not apply with respect to—

15 “(A) train operations on track that is not
16 main line track;

17 “(B) locomotives performing assistance to
18 a train that has incurred mechanical failure or
19 lacks the power to traverse difficult terrain, in-
20 cluding traveling to or from the location where
21 assistance is provided;

22 “(C) locomotives that—

23 “(i) are not attached to any equip-
24 ment or are attached only to a caboose;
25 and

1 “(ii) travel not farther than 50 miles
2 from the point of origin of such locomotive;
3 and

4 “(D) train operations staffed with fewer
5 than a 2-person crew at least 1 year before the
6 date of the enactment of the Safe Freight Act
7 of 2024, except if the Secretary determines that
8 such operations do not achieve an equivalent
9 level of safety as would result from compliance
10 with the requirement under subsection (a).

11 “(2) TRAINS INELIGIBLE FOR EXCEPTION.—
12 The exceptions under paragraph (2) shall not apply
13 with respect to—

14 “(A) a high-hazard train; or

15 “(B) a train with a total length of at least
16 7,500 feet.

17 “(c) WAIVER.—A railroad carrier may seek a waiver
18 of the requirements under subsection (a) in accordance
19 with section 20103(d).

20 “(d) DEFINITIONS.—In this section:

21 “(1) HIGH-HAZARD TRAIN.—The term ‘high-
22 hazard train’ means a single train transporting,
23 throughout the train consist—

24 “(A) not fewer than 20 tank cars loaded
25 with a flammable liquid (Class 3) (as such term

1 is defined in section 173.120 of title 49, Code
2 of Federal Regulations, or successor regula-
3 tions);

4 “(B) not fewer than 1 tank car or inter-
5 modal portable tank load with a material poi-
6 sonous by inhalation or a material toxic by in-
7 halation (as such term is defined in section
8 171.8 of title 49, Code of Federal Regulations,
9 or successor regulations);

10 “(C) not fewer than 1 car loaded with a
11 type B package or a fissile material package (as
12 such terms are defined in section 173.403 of
13 title 49, Code of Federal Regulations, or suc-
14 cessor regulations);

15 “(D) not fewer than 10 cars loaded with
16 Class 1 explosives categorized under section
17 173.50 of title 49, Code of Federal Regulations
18 (or successor regulations) as being in division
19 1.1, 1.2, or 1.3;

20 “(E) not fewer than 5 tank cars loaded
21 with a flammable gas (as such term is defined
22 in section 173.115(a) of title 49, Code of Fed-
23 eral Regulations, or successor regulations); or

1 “(F) not fewer than 20 cars loaded with
2 any combination of flammable liquids, flam-
3 mable gases, or explosives.

4 “(2) MAIN LINE TRACK.—The term ‘main line
5 track’ means—

6 “(A) a segment or route of railroad
7 tracks—

8 “(i) over which 5,000,000 or more
9 gross tons of railroad traffic is transported
10 annually; and

11 “(ii) that has a maximum authorized
12 speed for freight trains in excess of 25
13 miles per hours; and

14 “(B) intercity rail passenger transportation
15 or commuter rail passenger transportation
16 routes or segments over which high-hazard
17 trains operate.”.

18 (b) CLERICAL AMENDMENT.—The analysis for sub-
19 chapter II of chapter 201 of title 49, United States Code,
20 is amended by inserting after the item relating to section
21 20153 the following:

 “20154. Freight train crew size safety standards.”.

22 (c) PRESERVATION OF AUTHORITY OF SEC-
23 RETARY.—Nothing in section 20154 of title 49, United
24 States Code, as added by this section, shall be construed

1 to limit the authority of the Secretary under any other
2 provision of law.

