



Committee on Transportation and Infrastructure  
U.S. House of Representatives  
Washington DC 20515

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January 31, 2020

**SUMMARY OF SUBJECT MATTER**

**TO:** Members, Subcommittee on Railroads, Pipelines, and Hazardous Materials  
**FROM:** Staff, Subcommittee on Railroads, Pipelines, and Hazardous Materials  
**RE:** Subcommittee Hearing on “Tracking Toward Zero— Improving Grade Crossing Safety and Addressing Community Concerns.”

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**PURPOSE**

The Subcommittee on Railroads, Pipelines, and Hazardous Materials will meet on Wednesday, February 5, 2020, at 10:00 a.m. in 2167 Rayburn House Office Building to hold a hearing titled, “Tracking Toward Zero — Improving Grade Crossing Safety and Addressing Community Concerns.” The purpose of this hearing is to learn from stakeholders about current challenges affecting highway-railroad grade crossing safety, trespassing and suicide incidents, blocked grade crossings, as well as efforts to mitigate safety and societal concerns of these issues. The Subcommittee will hear testimony from the Federal Railroad Administration (FRA); Illinois Commerce Commission; Alameda Corridor-East Construction Authority; Operation Lifesaver, Inc.; Chicago City Council; and Norfolk Southern Corporation.

**BACKGROUND**

**I. Highway-Rail Grade Crossings**

**Grade Crossing Safety**

A highway-rail grade crossing (“grade crossing”) is a location where a highway, road, or street intersects with a railroad right-of-way at the same level (at-grade). An estimated 210,000 grade crossings are located throughout the U.S. rail system as of 2018.<sup>1</sup> Public grade crossings are roadways that are under the jurisdiction of, and maintained by, a public authority. Private grade crossings are on privately owned roadways and are intended for use by the road’s owner or by the owner’s licensees and invitees. A private crossing is not intended for public use and is not

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<sup>1</sup> U.S. DOT, Office of Inspector General, Report No. ST2019063, *FRA Collects Reliable Grade Crossing Incident Data, but Needs To Update Its Accident Prediction Model and Improve Guidance for Using the Data To Focus Inspections*, 5 (2019).

maintained by a public highway authority. Grade crossings can be equipped with various warning devices such as: flashing lights, gates, or signage to alert motorists and pedestrians to an upcoming crossing; others may not be not equipped with any warning device.

According to FRA data, from 2009-2019,<sup>2</sup> 22,547 collisions occurred at grade crossings, resulting in 9,658 injuries and 2,731 fatalities.<sup>3</sup> Of these, individuals operating automobiles, truck-trailers, and pick-up trucks comprised the three leading categories of users involved in the incidents – a total of 16,732 collisions.<sup>4</sup> Moreover, more than 36 percent of the total incidents were caused by individuals failing to stop at a crossing, almost 26 percent due to individuals who stopped on a crossing, and nearly 14 percent due to those who went around a warning gate.<sup>5</sup>

Grade-crossing incidents involving pedestrians occur less frequently than those involving automobiles but have a higher fatality rate.<sup>6</sup> From 2009-2019, 1,674 collisions involving pedestrians occurred, of which 779 were fatal.<sup>7</sup> For comparison, while collisions involving pedestrians were the fourth most common types of incidents (7.42 percent of total grade crossing collisions) from 2009-2019, they represented 38.07 percent of the total number of fatal collisions.<sup>8</sup> Additionally, 406 grade crossing collisions (or 1.86 percent of all collisions) were found to be the result of those attempting or committing suicide over the same time period.<sup>9</sup>

## Grade Crossing Data

Railroads must file monthly reports with FRA for grade crossing incidents. Such reports must be filed within 30 days following the end of month in which the incident occurred, and they must update or correct those reports upon becoming aware of an error or new information.<sup>10</sup> These reports are maintained in FRA's Railroad Accident/Incident Reporting System, and the agency receives and processes late and amended reports for up to five years following the year the incident report occurred.<sup>11</sup> Additionally, railroads must immediately report to the National Response Center when the operation of a railroad results in a fatality that occurs within 24 hours of a train incident at a grade crossing, among other reporting requirements.<sup>12</sup>

The Rail Safety Improvement Act (RSIA) of 2008 directed railroad carriers to report information, as specified by the Secretary of Transportation, about previously unreported grade

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<sup>2</sup> Data for 2019 is partial year data.

<sup>3</sup> Federal Railroad Administration, GX Dash!, Highway-Rail Crossing Collisions 2009-2019, Accessed Jan. 7, 2020, Accessible at: [https://explore.dot.gov/t/FRA/views/Highway-RailCrossingCollisions2009-2019/National?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay\\_count=no&%3AshowVizHome=no](https://explore.dot.gov/t/FRA/views/Highway-RailCrossingCollisions2009-2019/National?iframeSizedToWindow=true&%3Aembed=y&%3AshowAppBanner=false&%3Adisplay_count=no&%3AshowVizHome=no).

<sup>4</sup> Id. When comparing all crossing types, all fatalities and injuries for years 2009-2019.

<sup>5</sup> Id.

<sup>6</sup> Id.

<sup>7</sup> Id.

<sup>8</sup> Id. When comparing all vehicle and crossing types, only fatalities, and no injuries for years 2009-2019. Data accessed Jan. 7, 2020.

<sup>9</sup> Id.

<sup>10</sup> 49 CFR Part 225.

<sup>11</sup> "Overview Reports," Federal Railroad Administration website. Accessible at: <https://cms8.fra.dot.gov/accident-and-incident-reporting/overview-reports/overview-reports>.

<sup>12</sup> 49 CFR Part 225.

crossings and to periodically update the information.<sup>13</sup> In 2015, the FRA issued a final rule requiring railroads to submit information to the U.S. Department of Transportation (DOT) National Highway-Rail Crossing Inventory, a publicly available, uniform national inventory database containing detailed information on each grade crossing in the country.<sup>14</sup> The Inventory can be used to gather data for planning and implementing crossing improvement programs.<sup>15</sup>

FRA also provides data tools and resources to support efforts to improve grade crossing safety. *GX Dash!* provides national and localized information about grade crossing collisions from 2009 to present.<sup>16</sup> FRA grade crossing inspectors and state and local officials can also rank grade crossings by using reports generated by FRA's Web Accident Prediction System (WBAPS) that list public crossings ranked by predicted incidents per year.<sup>17</sup> GradeDec.net allows state and local officials to change crossing parameters to assess grade crossing improvement projects' impacts on safety. Both WBAPS and GradeDec.net rely on an FRA accident prediction model, which include formulas for accident and severity prediction and a model for resource allocation. A September 2019 DOT Inspector General (IG) report found that FRA has not adjusted its accident prediction formula since 2013 despite updated incident data and grade crossing inventory reporting, potentially limiting the formula's ability to reflect current conditions and new safety issues.<sup>18</sup> FRA agreed with the IG recommendation that FRA implement a procedure for determining when to evaluate and, if necessary, adjust the normalizing constants for the accident prediction formula.<sup>19</sup> FRA says it is working to meet the IG recommendation.<sup>20</sup>

## States' Grade Crossing Action Plans

As part of RSIA 2008, Congress directed the DOT Secretary to identify the 10 states with the most grade crossing collisions on average over the previous three years. The law required those states to develop and submit to the DOT Secretary for approval a state highway-rail grade crossing action plan that focuses on crossings that had experienced multiple accidents or were at high risk for accidents and identifies specific solutions for improving safety at crossings.<sup>21</sup> Based on FRA's analysis, Alabama, California, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Ohio, and Texas developed action plans to comply with the mandate.<sup>22</sup>

In 2015, as part of the Fixing America's Surface Transportation (FAST) Act, Congress directed the FRA to develop a model of a state-specific grade crossing action plan.<sup>23</sup> FRA issued this model plan in conjunction with the Federal Highway Administration (FHWA) in November 2016.<sup>24</sup>

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<sup>13</sup> Division A, Sec. 204, Rail Safety Improvement Act of 2008, Public Law 110-432.

<sup>14</sup> *National Highway-Rail Crossing Inventory Reporting Requirements* Final Rule, 80 Fed. Reg. 3,746 (Jan. 5, 2015).

<sup>15</sup> Id.

<sup>16</sup> Accessible at: [https://explore.dot.gov/t/FRA/views/Highway-RailCrossingCollisions2009-2019/National?iframeSizedToWindow=true&embed=y&showAppBanner=false&display\\_count=no&showVizHome=no](https://explore.dot.gov/t/FRA/views/Highway-RailCrossingCollisions2009-2019/National?iframeSizedToWindow=true&embed=y&showAppBanner=false&display_count=no&showVizHome=no).

<sup>17</sup> Accessible at: <https://safetydata.fra.dot.gov/webaps/>.

<sup>18</sup> U.S. DOT, Office of Inspector General, Report No. ST2019063, *FRA Collects Reliable Grade Crossing Incident Data, but Needs To Update Its Accident Prediction Model and Improve Guidance for Using the Data To Focus Inspections*, 7-9 (2019).

<sup>19</sup> Id. at 11 and 22.

<sup>20</sup> Bipartisan meeting with Subcommittee staff, Jan. 23, 2020.

<sup>21</sup> Public Law 110-432 Sec. 202.

<sup>22</sup> FHWA-SA-16-075.

<sup>23</sup> Public Law 114-94 Sec. 11401.

<sup>24</sup> Id.

The FAST Act also directed the agency to issue regulations, within 18 months of distributing that model action plan, to require each state to develop and implement a state action plan. The 10 states required by RSIA 2008 to develop an action plan were to update their action plans, submit them for review, and submit an implementation report.<sup>25</sup> Per statute, these action plans were required to identify grade crossings that have experienced recent accidents or incidents or multiple accidents or incidents, or at high-risk for accidents or incidents; identify specific strategies for improving crossings safety; and designate a state official responsible for managing the state action plan. In November 2019, the FRA issued a notice of proposed rulemaking intended to fulfill the FAST Act mandate.<sup>26</sup>

## II. Blocked Grade Crossings

Grade crossings can become blocked when trains prevent the flow of vehicular or pedestrian traffic from crossing railroad tracks. Blocked crossings can congest traffic and cause travel delays, which not only frustrates communities but also may create safety risks when drivers and pedestrians attempt to cross the tracks to beat an oncoming train or try to go around or through a stopped train. Additionally, safety can be impacted when first responders responding to an emergency encounter one or more blocked crossing and cannot quickly find an alternative route.

According to the FRA, 35 states and Washington, D.C. have laws in place attempting to address blocked crossings by on-track railroad equipment.<sup>27</sup> More specifically, seven states have no time limit; 14 states and Washington, D.C. allow no longer than five minutes; 10 states allow no more than 10 minutes; three states allow no more than 15 minutes; and one state allows for no more than 20 minutes for a train to block a crossing.<sup>28</sup> However, in recent years railroads have been successful in challenging many of these state laws in the courts on the grounds that those laws are pre-empted by federal law. A recent legal challenge to a state law on blocked highway-rail grade crossings occurred in 2018 in Indiana. Indiana had a statute that barred railroads from blocking crossings for more than 10 minutes, except in situations outside of the railroads' control.<sup>29</sup> Violations were considered civil violations and carried a minimum \$200 fine. After 23 violations, Norfolk Southern challenged the state's regulation in court. In September 2018, the Indiana Supreme Court ruled that local governments do not have the authority to fine railroads that block crossings, because while no federal law explicitly regulates railroads from blocking grade crossings, the Interstate Commerce Commission Termination Act (ICCTA) included an express preemption provision to limit state government regulation over interstate commerce.

While there are no federal regulations that directly address the amount of time a train may block public grade crossings, 49 C.F.R. Section 234.209 prohibits standing trains, locomotives, and other railroad equipment from unnecessarily activating grade crossing warning devices. According to

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<sup>25</sup> Public Law 114-94 Sec. 11401.

<sup>26</sup> *State Highway-Rail Grade Crossing Action Plans* Notice of Proposed Rulemaking, 84 Fed. Reg. 216, 60032 (Nov. 7, 2019).

<sup>27</sup> According to the FRA, these include: Alabama; Arizona; Arkansas; Connecticut; Delaware; District of Columbia; Florida; Georgia; Idaho; Illinois; Indiana; Iowa; Kansas; Kentucky; Louisiana; Maine; Massachusetts; Minnesota; Mississippi; Missouri; Montana; Nebraska; New Hampshire; New Jersey; New York; North Dakota; Ohio; Oregon; Pennsylvania; Rhode Island; South Carolina; South Dakota; Texas; Utah; Vermont; Virginia; and West Virginia. Accessible at: <https://www.fra.dot.gov/StateLaws>.

<sup>28</sup> GAO Report 19-443, *Rail Safety: Freight Trains are Getting Longer, and Additional Information is Needed to Assess Their Impact*, Page 21, FN 42 (May 2019).

<sup>29</sup> Ind. Code § 8-6-7.5-1 (2018).

FRA, this is not limited to standing trains, locomotives, and other railroad equipment that block vehicular access to the crossing. In May 2019, FRA Administrator Ronald Batory sent letters to each of the seven Class I railroads, writing that FRA had “noticed a sharp increase in the frequency and volume of complaints it has been receiving about blocked highway-rail grade crossings across the United States.” The letter also noted that federal regulations do not set a specific limit on the time a crossing may be blocked but instead believes that railroads, states, and local jurisdictions are best positioned to address specific concerns about blocked crossings “because each community has unique road networks and emergency response characteristics and needs.”<sup>30</sup>

In a report issued in May 2019 by the Government Accountability Office (GAO), which focused on the safety and other impacts of longer freight trains, GAO recommended the FRA Administrator “work with railroads to engage state and local governments to (a) identify community-specific impacts of train operations, including longer trains, where streets and highways cross railroad rights-of-way and (b) develop potential solutions to reduce those impacts.”<sup>31</sup>

In December 2019, the FRA launched a Blocked Crossing Incident Reporter website where the public and law enforcement can report the date, time, location, and duration that a crossing was blocked.<sup>32</sup> The agency intends to use the data collected to achieve a better understanding of the location, duration, and impacts of blocked crossings. Moreover, as part of RSIA 2008, Congress directed the DOT Secretary to require each railroad carrier to maintain a toll-free telephone service for the rights-of-way over which it dispatches trains to receive calls from the public reporting malfunctions of safety devices at crossings, disabled vehicles blocking railroad tracks at crossings, obstructions of the view of a train’s approach, or the safety information about crossings.<sup>33</sup> These telephone numbers and the number registered to each grade crossing are required to be posted on signs at crossings.

### **III. Trespassers**

Rail trespassers most often are pedestrians who walk across or along railroad tracks as a shortcut,<sup>34</sup> with 74 percent of trespassing casualties occurring within 1,000 feet of a grade crossing, based on data from November 2013 to October 2017.<sup>35</sup> According to FRA data seen in the figure below, approximately 400 to 500 trespass fatalities and a similar number of injuries occurred each year nationally from 2012 to 2019.<sup>36</sup>

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<sup>30</sup> Federal Railroad Administrator Ronald Batory, Letter to Class I railroads, May 16, 2019.

<sup>31</sup> GAO Report 19-443, *Rail Safety: Freight Trains are Getting Longer, and Additional Information is Needed to Assess Their Impact*, Page 28 (May 2019).

<sup>32</sup> Accessible at: [www.fra.dot.gov/blockedcrossings](http://www.fra.dot.gov/blockedcrossings).

<sup>33</sup> Public Law 110-432 Sec. 205, 49 U.S.C. 20152.

<sup>34</sup> Volpe National Transportation Systems Center, sponsored by the FRA, *Characteristics of Trespassing Incidents in the United States (2012-2014)*, July 2018. Accessible at: <https://rosap.ntl.bts.gov/view/dot/36451>

<sup>35</sup> Federal Railroad Administration, *Report to Congress: National Strategy to Prevent Trespassing on Railroad Property*, Oct. 2018.

<sup>36</sup> “Trespass and Suicide Dashboard,” Federal Railroad Administration website. Accessed Jan. 2020.

Year	Trespasser Fatalities	Trespasser Injuries	Total Trespassing Incidents
2012	405	410	815
2013	427	432	859
2014	469	423	892
2015	450	412	862
2016	467	479	946
2017	505	509	1,014
2018	531	483	1,014
2019*	535	462	997

<sup>37</sup>“Trespass and Suicide Dashboard,” Federal Railroad Administration, Accessed January 2020.

\* 2019 numbers represent partial year, through October 2019

California, Texas, Illinois, and New York generally have the most trespassing deaths.<sup>37</sup> The state of Florida exemplifies the national trend of increasing rates of trespassing incidents (both fatalities and injuries), rising from 33 in 2012 to 63 in 2019.<sup>38</sup> Most trespassers across the country are killed between the hours of 4:00pm to 9:00pm.<sup>39</sup>

The FRA has been trying to tackle this problem on several fronts. One of the FRA’s sponsored programs, the Highway-Rail Grade Crossing Safety and Trespass Prevention Research Program, is housed at the Volpe Center. The program developed a National Strategy to prevent trespassing, which focuses on four strategic areas: data analysis, community site visits, funding, and stakeholder partnerships.<sup>40</sup> The National Transportation Safety Board (NTSB) has also discussed various ways to educate the public about rail trespasser safety. At a 2015 forum on trespassing, the NTSB highlighted a three-pronged (“the 3 E’s”) approach that includes engineering (such as warning signs, surveillance, and fencing), education (for the general public, law enforcement, and private railroads), and enforcement (policing and fines).<sup>41</sup> It was noted that FRA collects data only on trespassing activity resulting in a fatality or injury, while private railroads could have much larger data sets of trespassing instances that may produce more actionable solutions.<sup>42</sup> Using data from a Class I railroad, FRA found that the railroad’s reported number of close calls was much larger than the number of casualties over the same timeframe (the data excluded suicides), indicating that the potential for additional trespassing casualties is significant.<sup>43</sup>

#### IV. Suicides

Grade crossings and railroad rights-of-way have been used for suicide attempts. Prior to June 2011, the FRA did not collect any information about suicide incidents, so information is recent.

<sup>37</sup> “Trespass and Suicide Dashboard,” Federal Railroad Administration website. Accessed Jan. 2020.

<sup>38</sup> Id.

<sup>39</sup> Accessible at:

[https://explore.dot.gov/t/FRA/views/TrespassandSuicideDashboard/TrespassOverview?iframeSizedToWindow=true&embed=y&showAppBanner=false&display\\_count=no&showVizHome=no](https://explore.dot.gov/t/FRA/views/TrespassandSuicideDashboard/TrespassOverview?iframeSizedToWindow=true&embed=y&showAppBanner=false&display_count=no&showVizHome=no).

<sup>40</sup> Id.

<sup>41</sup> “Trains and Trespassing: Ending Tragic Encounters,” Events, National Transportation Safety Board. March 24, 2015. Accessible at: [https://www.nts.gov/news/events/Pages/2015\\_trespassing\\_FRM\\_Agenda.aspx](https://www.nts.gov/news/events/Pages/2015_trespassing_FRM_Agenda.aspx).

<sup>42</sup> Id.

<sup>43</sup> Id.

Medical examiners (ME) and coroners are responsible for determining whether the cause of a death is suicide. When a ME or a coroner reports that the cause of a rail fatality is undetermined, it is recorded as a trespassing death rather than a suicide. No explicit criteria exists to aid in determining whether a death is a suicide, so metrics can vary by county.<sup>44</sup> Additionally, the FRA warns that any statistics likely underrepresent rail suicides and determinations may take months or even years.<sup>45</sup> For this reason, while data for 2018 and 2019 is listed in the figure below, the FRA warns that suicide figures are vastly underrepresented and totals may continue to fluctuate.<sup>46</sup>

Year	Suicide Fatalities	Suicide Injuries	Total Suicide Incidents
2012	270	43	313
2013	307	26	333
2014	274	34	308
2015	317	29	346
2016	268	32	300
2017	270	41	311
2018	256	35	291
2019*	113	17	130

<sup>44</sup>“Trespass and Suicide Dashboard,” Federal Railroad Administration, Accessed January 2020.

\* 2019 numbers represent partial year, through October 2019

In an effort to better understand and reduce rail suicide rates, the FRA partners with the Volpe Center (Volpe) to identify, implement, and evaluate appropriate mitigation strategies. To achieve these goals, Volpe and FRA focus on six rail suicide prevention areas: suicide countermeasure pilot projects, such as surveillance, advertising of help services, and automated texts or calls sent when entering dangerous areas; media reporting of trespassing and suicide incidents, including recommendations for responsible reporting; the Global Railway Alliance for Suicide Prevention, an international working group; trespasser intent determination, meaning assistance to MEs and coroners in how best to determine probable cause of death; GIS mapping of suicide locations, to proactively determine potential at-risk areas; and lastly, demographic and environmental characteristics, to provide an overview of common patterns.<sup>47</sup>

When determining characteristics of rail suicides in the U.S., Volpe found a series of trends. First, consistent with national suicide patterns, rail suicide fatalities more often involve men than women.<sup>48</sup> Second, while Centers for Disease Control data shows that overall suicide victims are typically over the age of 45, rail suicide victims tend to be younger, under the age of 45.<sup>49</sup> Incidents of rail suicide peak in the springtime, similar to national trends, and involve freight trains more often than passenger trains.<sup>50</sup> Using data from 2012 to 2018, California consistently has the highest

<sup>44</sup> “Current Trends Operational Criteria for Determining Suicide,” Centers for Disease Control Prevention Guidelines Database. Accessible at: <https://wonder.cdc.gov/wonder/prevguid/p0000164/p0000164.asp>.

<sup>45</sup> Accessible at:

[https://explore.dot.gov/t/FRA/views/TrespassandSuicideDashboard/TrespassOverview?iframeSizedToWindow=true&embed=y&showAppBanner=false&display\\_count=no&showVizHome=no](https://explore.dot.gov/t/FRA/views/TrespassandSuicideDashboard/TrespassOverview?iframeSizedToWindow=true&embed=y&showAppBanner=false&display_count=no&showVizHome=no).

<sup>46</sup> Id.

<sup>47</sup> “Rail Suicide Prevention webpage.” Accessible at: <https://www.volpe.dot.gov/rail-suicide-prevention>.

<sup>48</sup> Chase, Stephanie G.; Hiltunen, Danielle; & Gabree, Scott H., *Characteristics of Trespassing Incidents in the United States (2012-2014)*, Report No. DOT/FRA/ORD-18/24 (July 2018).

<sup>49</sup> Id.

<sup>50</sup> Id.

number of total suicide incidents, followed by Illinois and New York.<sup>51</sup> In separate research sponsored by the FRA and published in 2014, the agency concluded that 96% of suicide incidents occurred on areas of track that did not have a barrier to restrict access to the right-of-way: 55% of incidents occurred in suburban areas, 25% in downtown or urban areas, and 20% in rural areas.<sup>52</sup>

## **V. Operation Lifesaver**

Established in 1972, Operation Lifesaver, Inc. (OLI) is a non-profit organization dedicated to improving rail safety by providing public education and awareness programs to help prevent and reduce collisions, injuries, and fatalities, including trespassing and suicide events, occurring on and around railroad tracks and grade crossings.<sup>53</sup> OLI operates in states and localities across the country through its network of authorized volunteer speakers and trained instructors who provide rail safety education to diverse groups, such as schools, driver education students, professional drivers, emergency responders, and law enforcement. The organization is supported by federal, state, and local government agencies, highway safety organizations, and the railroads. Congress appropriates approximately \$1 million per year to OLI, while the non-profit also receives funding from donations, private organizations, and the Federal Highway Administration.<sup>54</sup>

## **VI. Section 130 Grade Crossing Program**

In 1987, Congress created the Section 130 program, which the FHWA administers to provide funding for safety improvements that reduce the number of fatalities, injuries, and crashes at grade crossings.<sup>55</sup> Funded through annual set-asides from the Highway Safety Improvement Program, Section 130 is apportioned to states according to a formula that is based half on the number of public grade crossings located in the state compared to the national total and half on the statutory formula under 49 U.S.C. 104(b)(3)(A) as in effect on the day before the date of enactment of MAP-21. Each state is guaranteed to receive at minimum 0.5 percent of apportioned funds. The federal share of projects funded through this set-aside is 90 percent.

At least half of the set-aside funds for each fiscal year must be available for the installation of protective devices; the remaining half can be used for any hazard elimination project, including the installation of protective devices. The FAST Act also made eligible projects that eliminate hazards caused by blocked crossings due to idling trains. In addition, states may use section 130 funding to make incentive payments to local governments for the closure of grade crossings so long as the railroad that owns the tracks makes an incentive payment as well. For projects that eliminate grade crossings at which active warning devices are in place or ordered to be installed by a state regulatory agency, railroads must contribute 5 percent of the project cost.<sup>56</sup>

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<sup>51</sup> Accessible at:

[https://explore.dot.gov/t/FRA/views/TrespassandSuicideDashboard/TrespassOverview?iframeSizedToWindow=true&embed=y&showAppBanner=false&display\\_count=no&showVizHome=no](https://explore.dot.gov/t/FRA/views/TrespassandSuicideDashboard/TrespassOverview?iframeSizedToWindow=true&embed=y&showAppBanner=false&display_count=no&showVizHome=no).

<sup>52</sup> Berman, Alan; Sundararaman, Ramya; Price, Andrea; Au, Josephine. "Suicide on Railroad Rights-of-Way: A Psychological Autopsy Study." *Suicide and Life-Threatening Behavior* 44(6), The American Association of Suicidology. Dec. 2014. Accessible at <https://onlinelibrary.wiley.com/doi/pdf/10.1111/sltb.12107>.

<sup>53</sup> Accessible at: <https://oli.org/about-us>.

<sup>54</sup> Frittelli, John. *Trespassing: The Leading Cause of Rail-Related Fatalities*, Congressional Research Service. Report IN10753. Feb. 2, 2018, Accessible at <https://fas.org/sgp/crs/misc/IN10753.pdf>.

<sup>55</sup> 23 U.S.C. Sec. 130 was enacted by Public Law 100-17, the Surface Transportation and Uniform Relocation Assistance Act of 1987.

<sup>56</sup> 23 CFR § 646.210.



States must survey all highways to identify grade crossings that may require separation, relocation, or protective devices, and implement a schedule of projects for this purpose.<sup>57</sup> States adhere to this requirement by prioritizing crossings that cause the greatest hazard to the traveling public. Each year, states report to FHWA on the progress they have made on implementing Section 130 and the effectiveness of the projects' improvements; every two years, FHWA reports to Congress on the program.

The obligation period for these funds include the fiscal year that they are apportioned plus three fiscal years. At the end of that period, the funds lapse and cannot be obligated. States may 'pool' their apportionments over multiple fiscal years in order to fund expensive projects that cost more than a state is provided in any one fiscal year. The FAST Act reauthorized the Section 130 program at \$225 million for fiscal year 2016; \$230 million for fiscal year 2017; \$235 million for fiscal year 2018; \$240 million for fiscal year 2019; and \$245 million for fiscal year 2020.<sup>58</sup> At the end of fiscal year 2019, the balance of all available unobligated funds totaled \$649 million, of which \$321 million was available for the installation of protective devices and \$328 million for the elimination of hazards.

In addition to Section 130 program funding, grade crossing improvement projects are eligible for several federal discretionary funding opportunities, such as the Nationally Significant Freight and Highway Projects program (created by the FAST Act and referred to as INFRA by this Administration and FASTLANE by the previous Administration), as well as the Better Utilizing Investments to Leverage Development (referred to as BUILD by this Administration and TIGER by the previous Administration).<sup>59</sup> The Consolidated Rail Infrastructure and Safety Improvements (CRISI) grant program, created by the FAST Act and administered by the FRA, provides discretionary grants for projects that improve the safety, efficiency, or reliability of rail transportation systems, including grade crossing improvement projects.<sup>60</sup>

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<sup>57</sup> 23 U.S.C. Sec. 130(d).

<sup>58</sup> Public Law 114-94 Sec. 1108.

<sup>59</sup> Public Law 114-94 Sec. 1109, 23 U.S.C. 133.

<sup>60</sup> Public Law 114-94 Sec. 11301, 49 U.S.C. 22907.

**WITNESS LIST**

**Mr. Karl Alexy**

Associate Administrator for Railroad Safety & Chief Safety Officer  
Federal Railroad Administration

**Mr. Brian Vercruyse**

Rail Safety Program Administrator  
Illinois Commerce Commission

**Mr. Mark Christoffels**

Chief Engineer  
San Gabriel Valley Council of Governments/Alameda Corridor-East Project

**Ms. Rachel Maleh**

Executive Director  
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**The Honorable Matthew O'Shea**

Alderman  
19<sup>th</sup> Ward of Chicago  
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**Mr. Jason Morris**

Assistant Vice President, Safety & Environment  
Norfolk Southern Corporation