

## Bipartisan Infrastructure Law Safety Fact Sheet

The Federal Railroad Administration’s mission is to enable the safe, reliable, and efficient movement of people and goods for a strong America, now and in the future. The information below highlights the changes and recent safety requirements enacted in the respective Sections of the Bipartisan Infrastructure Law.

### Section Description

#### Grade Crossing Accident Prediction Model

**Section 22402** | FRA will continue to develop the grade crossing accident and severity model as a tool to analyze accident risk at highway-rail grade crossings; in addition, FRA will provide training to stakeholders on the use of this automated tool.

#### Blocked Crossing Portal

**Section 22404** | FRA will continue to improve the public blocked crossing portal. This portal will provide data to stakeholders on the underlying causes of blocked crossings and provide valuable feedback to identify ways to help reduce the number and/or time crossings are blocked. FRA will provide a publicly available annual report on its findings each year for the next three years.

#### Comprehensive Rail Safety Review of Amtrak

**Section 22407** | Within one year of enactment, FRA will conduct a Safety Management System audit of Amtrak. This audit will focus on all levels of safety management and compliance with regulations and operating and safety rules for the safety of the public and Amtrak employees. Results of this audit will be provided to Congress, including findings and recommendations.

#### Completion of Hours of Service and Fatigue Studies

**Section 22408** | Within 90 days of enactment, FRA will begin a pilot program under 49 U.S. Code § 21109(e)(1). The results of this program will be used to identify ways to reduce fatigue for train, engine, and other railroad employees. FRA is coordinating with labor organizations of freight railroads to participate in this pilot program.

#### Positive Train Control Study

**Section 22409** | Within two years of enactment, the Comptroller General of the United States must conduct a study on the annual PTC operation and maintenance costs for public commuter railroads. The findings of this study must be submitted to Congress.

#### Operating Crew Member Training, Qualification, and Certification

**Section 22410** | FRA will continue to audit railroads for training, qualification, and certification programs of locomotive engineers and conductors. Each year, FRA will publish its findings on FRA’s public website.

Section Description

Transparency and Safety

**Section 22411** | FRA will publish timely public notice of any request for a non-emergency waiver or for suspension of a rail safety regulation. FRA will make available the appropriate underlying data on which the request is based and provide an opportunity for public comment and input on the request and data. Further, FRA is continuing its process, begun before passage of the IIJA, of reviewing and analyzing longstanding waivers for potential incorporation into the rail safety regulations. FRA will continue this process, focusing on waivers that have been in continuous effect for 6 or more years and FRA will publish its review and analysis of these longstanding waivers either as part of regulatory updates, or in separate public notices soliciting further public comment and input.

New Passenger Service Pre-Revenue Safety Validation Plan

**Section 22416** | FRA will require new intercity commuter passenger rail, extension of existing service, or renewal of service which has been out of service for 180 days or more to develop a comprehensive pre-revenue service safety validation plan no later than 60 days prior to the start of revenue service. This plan must be submitted to FRA for review and approval.

FRA Accident and Incident Investigations

**Section 22417** | Accident investigations are FRA’s highest priority. In coordination with the Secretary, FRA will evaluate the accident investigation process to, among other things, ensure investigators know when it is appropriate, and the appropriate method, for: (1) gathering information from railroad carriers, contractors or employees of railroad carriers, or representatives of employees of railroad carriers and others; and (2) consulting with those parties.

Advancing Safety and Innovative Technology

**Section 22419** | Within two years of enactment, FRA will continue to collaborate with industry, government, private research and development partners, and manufacturers to safely develop, evaluate, test, and regulate high-speed rail technologies.

Passenger Rail Vehicle Occupant Protection System

**Section 22420** | Within two years of enactment, FRA will conduct a study that considers, among other things, the potential installation and use in new passenger rail rolling stock of passenger rail vehicle occupant protection systems. This study will consider minimizing the risk of secondary collisions, cost benefit analysis of the possible installation of occupant restraint systems, air bags, emergency window retention systems, and interior designs. FRA will submit the findings of this study to Congress and publish the report on the FRA public website.

National Academies Study on Trains Longer Than 7,500 Feet

**Section 22422** | FRA will partner with the National Academies of Science to conduct a study of the operations and safety of trains longer than 7,500 feet. The findings of this report will be submitted to Congress within two years.

## Section Description

### High-Speed Train Noise Emissions

**Section 22423** | Within two years of enactment, FRA will partner with the EPA to consider regulations governing train noise for trains exceeding 160 MPH. This will include magnetic levitation systems and other new technologies.

### Critical Incident Stress Plans

**Section 22424** | FRA will expand 49 CFR Part 272 (Critical Incident Stress Plans) to include employees of commuter railroads, and intercity passenger railroads including employees who directly interact with passengers and are assaulted requiring medical attention.

### Requirements for Railroad Freight Cars Placed into Service in the United States

**Section 22425** | One year after FRA issues regulations, freight car manufacturers will have to certify annually their cars meet certain regulatory requirements prior to those cars being placed into service on the general railroad system.

### Controlled Substances Testing for Mechanical Employees

**Section 22427** | FRA amended the regulations under 49 CFR Part 219 to require all mechanical employees of railroads to be subject to all of the breath or body fluid testing set forth in subpart C, D, and E of such part, including random testing, reasonable suspicion testing, reasonable cause testing, pre-employment testing, return-to-duty testing, and follow-up testing. Within six months, all mechanical employees of railroads will be subjected to 49 CFR Part 219 subparts C, D, and E control of alcohol and drug use. This includes random testing.