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APPROVED
JUL 19 1975

THE WHITE HOUSE
WASHINGTON
July 17, 1975

ACTION
Last Day: July 22

MEMORANDUM FOR

THE PRESIDENT

FROM:

JIM CANNON 

SUBJECT:

Enrolled Bill S. 1462
Federal Railroad Safety
Authorization Act of 1975

Path
7/21

To Archives
7/21

Attached for your consideration is S. 1462, sponsored by Senator Hartke, which would authorize appropriations of \$35 million for FY 76 and \$8.75 million for the July 1 - September 30, 1976 transition quarter for the Department of Transportation to carry out its duties under the Federal Railroad Safety Act of 1970 and the Hazardous Materials Transportation Act.

Additional information is provided in OMB's enrolled bill report at Tab A.

OMB, Max Friedersdorf, Counsel's Office (Chapman) and I recommend approval of the enrolled bill.

RECOMMENDATION

That you sign S. 1462 at Tab B.

Signed 7/19

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

APPROVED
JUL 19 1975



JUL 16 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 1462 - Federal Railroad Safety
Authorization Act of 1975
Sponsor - Sen. Hartke (D) Indiana

Last Day for Action

July 22, 1975 - Tuesday

Purpose

Authorizes appropriations for fiscal year 1976 and the transition quarter of \$43.75 million for railroad safety and \$8.75 million for hazardous material transportation safety.

Agency Recommendations

Office of Management and Budget	Approval
Department of Transportation	Approval
National Transportation Safety Board	No objection

Discussion

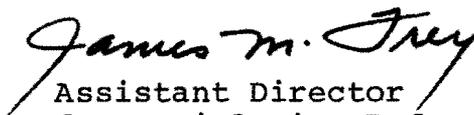
S. 1462 would authorize appropriations of \$35 million for fiscal year 1976 and \$8.75 million for the July 1-September 30, 1976 transition quarter for the Department of Transportation to carry out its duties under the Federal Railroad Safety Act of 1970. Those duties involve prescribing and enforcing regulations for the safe operation of railroad track, equipment, and facilities. The bill would also authorize appropriations of \$7 million for fiscal year 1976 and \$1.75 million for the transition quarter to carry out the Hazardous Materials Transportation Act. That Act charges DOT with responsibility to identify hazardous materials and to prescribe and enforce regulations for their safe transportation. The duties covered by these Acts are presently being carried out under a continuing resolution which expires upon the sine die adjournment of the first session of the 94th Congress.

Draft bills submitted to the Congress by the Department of Transportation had requested permanent authorizations of such sums as might be necessary for these programs as a means of giving the Department needed flexibility to deal with its continuing responsibilities under the programs. The enrolled bill, however, provides definite amounts in excess of your budget requests. In your budget you requested \$31 million for railroad safety and \$3.1 million for hazardous materials for fiscal year 1976 and the transition quarter. S. 1462 would authorize \$43.75 million and \$8.75 million respectively for these programs. Because the House passed appropriation bill would appropriate amounts at or below your budget request for these programs, we do not believe that the higher authorization levels in S. 1462 will present a budget problem.

S. 1462 would also continue the section in the current Act which places ceilings on the expenditure of funds for each of the categories of operations specified under the Rail Safety Act and would set an excessively high ceiling for the number of rail safety inspectors. In addition, the bill would continue to limit the amount that could be spent on rail safety research and development to no more than the amount spent on inspection and enforcement of the rail safety rules and regulations. When these two provisions were enacted in the Transportation Safety Act of 1974 (P.L. 93-633), DOT and OMB opposed them as a bad precedent. In its views letter on the enrolled bill, DOT states, as it did in 1974, that, at current spending levels, these limitations will not present a practical problem.

The bill would also require the addition of a section dealing with the transportation of radioactive materials by rail in DOT's annual report on the administration of the Railroad Safety Act. DOT has no objection to this section.

Although the enrolled bill does not include the permanent authorizations or the deletion of the limitations referred to above, as requested by DOT, OMB concurs in DOT's recommendation that the bill be approved.


Assistant Director
for Legislative Reference

Enclosures



OFFICE OF THE SECRETARY OF TRANSPORTATION

WASHINGTON, D.C. 20590

GENERAL COUNSEL

JUL 11 1975

Honorable James T. Lynn
Director, Office of Management
and Budget
Washington, D.C. 20503

Dear Mr. Lynn:

Your office has requested the views of the Department of Transportation ("Department") on S. 1462, an enrolled bill

"To amend the Federal Railroad Safety Act of 1970 and the Hazardous Materials Transportation Act to authorize additional appropriations, and for other purposes."

The first section of the bill cites the legislation as the "Federal Railroad Safety Authorization Act of 1975."

The second section would amend section 211(c) of the Federal Railroad Safety Act of 1970, as amended, 45 U.S.C. 440(c) ("Safety Act"), by adding a provision which would require the Secretary of Transportation ("Secretary") to include the following in his annual report on the administration of the Safety Act:

"a description of the regulations and handling criteria established by the Secretary under the Hazardous Materials Transportation Act specifically applicable to the transportation of radioactive materials by railroad (as of June 30, 1975), together with annual projections of the amounts of radioactive materials reasonably expected to be transported by railroad during each fiscal year from 1976 through 1980 and an evaluation of the need for additional regulations and handling criteria applicable to the transportation of radioactive materials by railroad during each such fiscal year. . . ."

We have no objection to the inclusion of this material in our annual report.

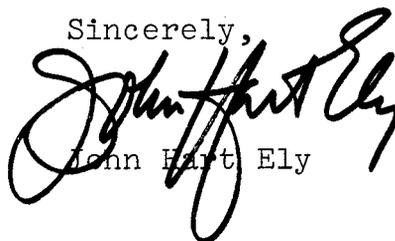
Section 3 of the enrolled bill would amend section 212 of the Safety Act, 45 U.S.C. 411, to authorize appropriations for the fiscal year ending June 30, 1976, in an amount not to exceed \$35,000,000. This section would also authorize appropriations in an amount not to exceed \$8,750,000, for the transition period, July 1, 1976, through September 30, 1976.

In addition, Section 3 would add two new subsections to section 212 of the Safety Act. Subsection (b) provides ceilings for expenditure of appropriated funds for each of the purposes available under the Safety Act. Subsection (c) limits expenditures for research and development during fiscal year 1976 and the transition period to the aggregate amounts of funds expended during those periods for rail inspection and for the investigation and enforcement of railroad safety rules and regulations. At present spending levels, the limits provided in the enrolled bill will present no problem.

Section 4 would amend section 115 of the Hazardous Materials Transportation Act, 49 U.S.C. 1812, to authorize appropriations for the fiscal year ending June 30, 1976, in an amount not to exceed \$7,000,000. The section authorizes appropriations in an amount not to exceed \$1,750,000 for the transition period, July 1, 1976, through September 30, 1976.

The bill which the Department originally proposed would have authorized a flexible and permanent authorization for the Department's rail safety program. We believe that this approach would have facilitated more effective planning and administration of our rail safety program. However, because of the continuing responsibility of the Federal Government in the areas of railroad safety and the transportation of hazardous materials, the Department recommends that the President sign the enrolled bill into law.

Sincerely,

A handwritten signature in black ink, appearing to read "John Hart Ely". The signature is written in a cursive, flowing style with large loops and a prominent initial "J".

John Hart Ely

To: J. Cunningham
7-16-75
5:30 PM



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JUL 16 1975

MEMORANDUM FOR THE PRESIDENT

Subject: Enrolled Bill S. 1462 - Federal Railroad Safety
Authorization Act of 1975
Sponsor - Sen. Hartke (D) Indiana

Last Day for Action

July 22, 1975 - Tuesday

Purpose

Authorizes appropriations for fiscal year 1976 and the transition quarter of \$43.75 million for railroad safety and \$8.75 million for hazardous material transportation safety.

Agency Recommendations

Office of Management and Budget	Approval
Department of Transportation	Approval
National Transportation Safety Board	No objection

Discussion

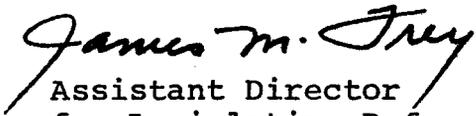
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Draft bills submitted to the Congress by the Department of Transportation had requested permanent authorizations of such sums as might be necessary for these programs as a means of giving the Department needed flexibility to deal with its continuing responsibilities under the programs. The enrolled bill, however, provides definite amounts in excess of your budget requests. In your budget you requested \$31 million for railroad safety and \$3.1 million for hazardous materials for fiscal year 1976 and the transition quarter. S. 1462 would authorize \$43.75 million and \$8.75 million respectively for these programs. Because the House passed appropriation bill would appropriate amounts at or below your budget request for these programs, we do not believe that the higher authorization levels in S. 1462 will present a budget problem.

S. 1462 would also continue the section in the current Act which places ceilings on the expenditure of funds for each of the categories of operations specified under the Rail Safety Act and would set an excessively high ceiling for the number of rail safety inspectors. In addition, the bill would continue to limit the amount that could be spent on rail safety research and development to no more than the amount spent on inspection and enforcement of the rail safety rules and regulations. When these two provisions were enacted in the Transportation Safety Act of 1974 (P.L. 93-633), DOT and OMB opposed them as a bad precedent. In its views letter on the enrolled bill, DOT states, as it did in 1974, that, at current spending levels, these limitations will not present a practical problem.

The bill would also require the addition of a section dealing with the transportation of radioactive materials by rail in DOT's annual report on the administration of the Railroad Safety Act. DOT has no objection to this section.

Although the enrolled bill does not include the permanent authorizations or the deletion of the limitations referred to above, as requested by DOT, OMB concurs in DOT's recommendation that the bill be approved.


Assistant Director
for Legislative Reference

Enclosures



Office of
Chairman

National Transportation Safety Board

Washington, D C. 20594

July 9, 1975

Mr. James M. Frey
Assistant Director for
Legislative Reference
Office of Management and Budget
Washington, D. C. 20503

Dear Mr. Frey:

In reply to your request of July 9, 1975, the National Transportation Safety Board has reviewed enrolled bill S. 1462.

The Safety Board has no substantive comments to offer and has no objection to the President signing this enrolled bill.

Sincerely yours,

A handwritten signature in black ink, which appears to read "John H. Reed". The signature is written in a cursive, flowing style.

John H. Reed
Chairman

Date: July 16

Time: 600pm

FOR ACTION: Mike Duval
Max Friedersdorf
Ken Lazaruscc (for information): Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date:

July 17

Time:

200pm

SUBJECT:

S. 1462 - Federal Railroad Safety Authorization Act

ACTION REQUESTED:

 For Necessary Action For Your Recommendations Prepare Agenda and Brief Draft Reply For Your Comments Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

*No objection
Lazarus
by Chapman*

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

James H. ...
For the President

THE WHITE HOUSE
WASHINGTON

July 17, 1975

MEMORANDUM FOR: JIM CAVANAUGH
FROM: MAX L. FRIEDERSDORF *m.l.*
SUBJECT: S.1462 - Federal Railroad Safety
Authorization Act

The Office of Legislative Affairs concurs with the agencies
that the subject bill be signed.

Attachments

THE WHITE HOUSE

ACTION MEMORANDUM

WASHINGTON

LOG NO.:

Date: July 16

Time: 600pm

FOR ACTION: Mike Duval
Max Friedersdorf
Ken Lazarus

cc (for information): Jim Cavanaugh
Jack Marsh

FROM THE STAFF SECRETARY

DUE: Date:

July 17

Time:

200pm

SUBJECT:

S. 1462 - Federal Railroad Safety Authorizatinn Act

ACTION REQUESTED:

For Necessary Action

For Your Recommendations

Prepare Agenda and Brief

Draft Reply

For Your Comments

Draft Remarks

REMARKS:

Please return to Judy Johnston, Ground Floor West Wing

PLEASE ATTACH THIS COPY TO MATERIAL SUBMITTED.

If you have any questions or if you anticipate a delay in submitting the required material, please telephone the Staff Secretary immediately.

K. R. COLE, JR.
For the President

FEDERAL RAILROAD SAFETY AUTHORIZATION ACT OF 1975

MAY 22, 1975.—Committed to the Committee of the Whole House on the State
of the Union and ordered to be printed

Mr. STAGGERS from the Committee on Interstate and Foreign
Commerce, submitted the following

REPORT

[To accompany H.R. 5358]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (H.R. 5358) to amend the Federal Railroad Safety Act of 1970 and the Hazardous Materials Transportation Act to authorize additional appropriations, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "Federal Railroad Safety Authorization Act of 1975".

Sec. 2. Section 211(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440(c)), relating to a comprehensive railroad safety report, is amended—

(1) by striking out "and" at the end of paragraph (9); and

(2) by redesignating paragraph (10) as paragraph (11), and by inserting immediately after paragraph (9) the following new paragraph:

"(10) contain a description of the regulations and handling criteria established by the Secretary under the Hazardous Materials Transportation Act specifically applicable to the transportation of radioactive materials by railroad (as of June 30, 1975), together with annual projections of the amounts of radioactive materials reasonably expected to be transported by railroad during each fiscal year from 1976 through 1980 and an evaluation of the need for additional regulations and handling criteria applicable to the transportation of radioactive materials by railroad during each such fiscal year; and"

Sec. 3. Section 212 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441) is amended to read as follows:

"SEC. 212. AUTHORIZATION FOR APPROPRIATIONS.

"(a) There are authorized to be appropriated to carry out the provisions of this title not to exceed \$35,000,000 for the fiscal year ending June 30, 1976; and not to exceed \$8,750,000 for the transition period of July 1, 1976, through September 30, 1976 (hereafter in this section referred to as the 'transition period').

"(b) Except as otherwise provided in subsection (c) of this section amounts appropriated under subsection (a) of this section shall be available for expenditure as follows:

"(1) For the Office of Safety, including salaries and expenses for up to 500 safety inspectors and up to 110 clerical personnel, not to exceed \$18,000,000 for the fiscal year ending June 30, 1976; and not to exceed \$4,500,000 for the transition period.

"(2) To carry out the provisions of section 206(d) of this title, not to exceed \$3,500,000 for the fiscal year ending June 30, 1976; and not to exceed \$875,000 for the transition period.

"(3) For the Federal Railroad Administration, for salaries and expenses not otherwise provided for, not to exceed \$3,500,000 for the fiscal year ending June 30, 1976; and not to exceed \$875,000 for the transition period.

"(4) For conducting research and development activities under this title, not to exceed \$10,000,000 for the fiscal year ending June 30, 1976; and not to exceed \$2,500,000 for the transition period.

"(c) The aggregate of the amounts obligated and expended for research and development under this title in the fiscal year ending June 30, 1976, and in the transition period, shall not exceed the aggregate of the amounts expended for rail inspection and for the investigation and enforcement of railroad safety rules, regulations, orders, and standards under this title in such fiscal year, and in the transition period, respectively."

Sec. 4. Section 115 of the Hazardous Materials Transportation Act (49 U.S.C. 1812) is amended to read as follows:

"AUTHORIZATION FOR APPROPRIATIONS

"Sec. 115. There are authorized to be appropriated to carry out the provisions of this title not to exceed \$7,000,000 for the fiscal year ending June 30, 1976, and not to exceed \$1,750,000 for the transition period of July 1, 1976, through September 30, 1976."

WHAT THE BILL DOES

The reported bill authorizes funds for the fiscal year 1976 and for the transition period of July 1 through September 30, 1976 for the administration of the Federal Railroad Safety Act of 1970 and also for the Hazardous Materials Transportation Act. In each case the proposed funding is at the same level authorized for fiscal year 1975.

In the case of the Federal Railroad Safety Act of 1970 the funds authorized for fiscal year 1976 total \$35 million, the same amount authorized for fiscal year 1975. In addition, \$8.75 million is authorized for the 3-month transition period for the fiscal year 1976 and the beginning of fiscal year 1977. This continues the funding through the transition period at the same level as the authorizations for fiscal years 1975 and 1976.

The proposed authorizations for the Hazardous Materials Transportation Act are also at the same levels as the fiscal year 1975 authorizations. A total of \$7 million is authorized for fiscal year 1976 and \$1.75 million is authorized for the transition period.

HEARINGS

The Subcommittee on Transportation and Commerce held 3 days of public hearings on H.R. 5358, on April 29 and 30 and May 1, 1975. Testimony was received from the Federal Railroad Administration of the Department of Transportation; the National Transportation Safety Board; the National Association of Regulatory Utility Commissioners; the Railway Labor Executives Association; and the National Railroad Passenger Corporation (AMTRAK).

COMMITTEE ACTION

At the conclusion of the public hearing on May 1, 1975, the Subcommittee on Transportation and Commerce held an open markup session, and by voice vote, ordered H.R. 5358 reported to the full committee with amendments.

The amendments recommended by the subcommittee added authorizations for funds for the transition period of July 1, through September 30, 1976, and required the inclusion of additional information on railroad transportation of radioactive materials in the comprehensive railroad safety report required to be filed with the Congress by March 1976.

The Committee on Interstate and Foreign Commerce considered H.R. 5358 in open markup session on May 13, 1975 and, by voice vote, ordered the bill reported to the House of Representatives as amended by the subcommittee.

SECTION-BY-SECTION SUMMARY OF REPORTED BILL

Section 1

The first section provides that this legislation may be cited as the "Federal Railroad Safety Authorization Act of 1975".

Section 2

Section 2 of the reported bill adds one new provision to section 211(c) of the Federal Railroad Safety Act of 1970 relating to the comprehensive safety report required to be filed with the Congress by March of 1976. The new provision requires that the report contain a description of regulations and handling criteria, established as of June 30, 1975, applicable to the transportation of radioactive materials by railroad, together with projections of the volume of such materials to be transported by railroad through 1980 and an evaluation of the need for additional regulations and handling criteria applicable to the transportation of such materials.

Section 3

Section 3 amends section 212 of the Federal Railroad Safety Act of 1970 to authorize funds for the administration of that Act for the fiscal year 1976 and for the transition period of July 1, through September 30, 1976. A total of \$35 million is authorized for the fiscal year 1976, and for the transition period a total of \$8.75 million is authorized.

Each amount authorized is specifically allocated for particular purposes such as safety inspection and enforcement, State participation programs, salaries and expenses, and research and development as follows:

(1) For safety inspection and enforcement activities, including salaries and expenses for up to 500 safety inspectors and up to 110 clerical personnel not to exceed \$18 million for fiscal year 1976; and not to exceed \$4.5 million for the transition period.

(2) For State participation programs, not to exceed \$3.5 million for the fiscal year 1976; and not to exceed \$875,000 for the transition period.

(3) For salaries and expenses of the Federal Railroad Administration not otherwise provided for, not to exceed \$3.5 million for the fiscal year 1976; and not to exceed \$875,000 for the transition period.

(4) For railroad safety research and development activities, not to exceed \$10 million for fiscal year 1976; and not to exceed \$2.5 million for the transition period.

The limitation, first enacted in the 1975 authorization, providing that the funds expended for railroad safety research and development activities cannot exceed the amount spent on safety inspection and enforcement activities is continued by the reported bill for the fiscal year 1976 and for the transition period. The 1975 authorization provided that the money available for safety inspection and enforcement activities would be available for up to 350 safety inspectors and up to 80 supporting clerical personnel. The authorizations contained in the reported bill for the fiscal year 1976, and for the transition period, provide that the money available for safety inspection and enforcement activities will be available for up to 500 safety inspectors and up to 110 supporting clerical personnel.

Section 4

Section 4 amends section 115 of the Hazardous Materials Transportation Act to authorize appropriations of \$7 million for the fiscal year 1976, which is the same amount authorized for fiscal year 1975. In addition, it authorizes an appropriation of \$1.75 million for the transition period of July 1 through September 30, 1976. This continues the funding through the transition period at the same level as the authorizations for fiscal years 1975 and 1976.

BACKGROUND AND NEED

The Congress enacted the Federal Railroad Safety Act of 1970 in an attempt to promote safety in all areas of railroad operations. It was enacted at a time when rail accidents had doubled over the previous decade. It was hoped that the comprehensive scheme of Federal regulation coupled with Federal-State enforcement activities would halt the increase in rail accidents. Unfortunately, this has not been the case.

Each time the Committee has held hearings on new authorizations to implement the Federal Railroad Safety Act of 1970 it has hoped to see a reversal of the increasing rate of rail accidents. Each time, the Committee has been disappointed and this year has been no exception.

Preliminary figures for calendar year 1974 show that train accidents increased from 9,698 in 1973 to 10,419 in 1974. Preliminary figures for 1974 also show that injuries to railroad employees on duty were 15,641 compared to 13,098 for 1973. Fatalities to railroad employees declined from 158 in 1973 to 140 in 1974. Casualties at grade crossings declined from 3,376 in 1973 to 3,275 in 1974. In 1974 there were a total of 148 hazardous materials accidents. In those accidents there were 10 people killed and 613 persons injured. During the last four years, the yearly average was 113 hazardous materials accidents per year, with an average of 3 fatalities per year and 320 persons injured per year.

The best that can be said for these figures is that the rate of increase in train accidents in 1974 was lower than in the previous year. The Committee finds any increase in rail accidents unacceptable but perhaps there is some hope in the fact that the rate of increase is declining.

While the rate of increase in train accidents was lower in 1974, than in the previous year by 1.1 percent, the toll of railroad accident carnage leaves little to be proud of. The statistics for railroad employees alone show that, in 1974, 140 were killed and 15,641 were injured. This injury rate is 19.4 percent higher than in the previous year.

The Committee feels that these statistics are telling the story that the Federal Railroad Administration (FRA) is not doing its job adequately. The Committee also feels that a major reason for this problem is that the FRA has consistently failed to avail itself of the safety inspectors and funds authorized by this Committee. The result has been ever increasing accidents and injuries on the railroads. For fiscal years 1971 through 1975, this Committee has authorized funds totalling \$117,440,000 for the administration and enforcement of railroad safety. During this same period, appropriations pursuant to FRA requests have totalled \$71,699,000 and expenditures by FRA for administration and enforcement of railroad safety legislation, has totalled \$65,773,000. Also significant, is the fact that during the first three years of the program, the FRA expended \$21,880,000 on railroad safety research activities, while, at the same time, expending only \$16,627,000 on safety inspection and enforcement activities. Finally, in the authorization of funds for fiscal year 1975, the Committee limited the amount which can be spent by FRA on railroad safety research activities to an amount not greater than the amount expended for railroad safety inspection and enforcement activities. This limitation is also continued for fiscal year 1976 by the reported bill.

Testimony before the Committee by FRA tends to support the Committee position that more inspection and enforcement activities are essential to any immediate improvement in railroad safety. This testimony indicated that, for 1974, track defects caused 41 percent of all accidents and that existing track standards cover 98 percent of the reported causes of all track accidents. Testimony also indicated that equipment defects caused another 20 percent of all accidents and that existing equipment regulations cover 97 percent of the equipment defects causing train accidents. The Committee feels it is obvious, therefore, that the major emphasis of this legislation must be to obtain better compliance with existing regulations. Since the existing regulations cover most of the accidents the answer is for FRA to hire a sufficient number of inspectors to help assure better inspection, better compliance, and ultimately improved safety on our railroads.

Again numbers tell a significant story. The FRA presently has approximately 40 inspectors (not counting 8 supervisors) who are responsible for the inspection of approximately 330,000 miles of track. In the locomotive and car area the FRA has approximately 75 inspectors (not counting 8 supervisors) who are responsible for inspecting approximately 1.8 million freight cars and approximately 30,000 locomotives, plus passenger cars. To this total you can add eight States with 14 inspectors participating in the enforcement program under the authority originally enacted in 1970. This State participation compares poorly with the State participation program enacted in 1968 under the Natural Gas Pipeline Safety Program where 48 States are now participating. With a work force that can only be described as meager at best, perhaps it is not surprising that FRA, in 1974, handled a total of 4,406 violations of rail safety regulations and collected a total of \$913,164.50 in fines from 62 railroads, while railroad accidents totaled 10,419 in the same year. It has been observed that some States collect more in traffic fines in one year. Moreover, the Committee feels that poorly enforced laws most certainly encourage violations and result in an increased number of accidents and injuries.

Adequate authority exists under present legislation to bring about a significant improvement in railroad safety, if FRA would request adequate funds and hire a sufficient number of Federal inspectors and encourage State participation. One example of the adequacy of existing authority occurred in July of 1974. As a result of inspections of Penn Central tracks between Chicago, Illinois, and Jeffersonville, Indiana, FRA inspectors discovered 1,329 track defects. FRA determined that an emergency situation existed involving a hazard of death or injury and issued an emergency order terminating all freight and passenger service over this track until repairs were completed and the track reinspected and approved by the FRA. Repair work was undertaken immediately by the Penn Central and service was restored.

Despite the frustrations and disappointments with the enforcement of railroad safety legislation by FRA, this Committee intends to pursue its efforts to assure that FRA receives sufficient authorization for funds needed to improve railroad safety. The reported bill authorizes the same amount of funds for FRA as adopted by this Committee and by the Congress for FY 1975. The only change is for an increase in the number of inspectors and support personnel authorized to be hired. The money request is the same because the safety program can be accomplished adequately with such funds.

The Committee feels that FRA should move expeditiously to encourage more States to participate in the enforcement of Federal rail safety regulations. The Committee also feels that it is important for FRA to continue a research and development program designed to develop new technology in the area of railroad safety. The Committee was encouraged to hear that highspeed track inspection equipment has been developed, is now in use, and more such equipment is on order. The limitation that research funds shall not exceed amounts expended for inspection and enforcement will not inhibit the research program of the FRA. The Committee also was encouraged to hear that, in addition to the eight States now participating in the rail safety program, FRA is reviewing applications submitted by an additional three States and has had discussions with eleven more States which have expressed an interest in participating in this program.

The Committee notes that FRA is slowly but surely making attempts to get needed safety regulations into place and additional enforcement powers into the hands of its inspectors. FRA recently published a notice that it intended to delegate additional enforcement powers to FRA inspectors and to certified State inspectors. The additional powers will enable FRA and participating State inspectors to control certain hazards by requiring that proper repairs be made before unsafe railroad cars are returned to service, and to reduce risks created by operation over bad track at excessive speed by reducing the classification of that track and thus lowering the permissible operating speed over that track.

There are at least two examples of needed regulations which have finally come into being. One involves headshields for tank cars carrying liquified petroleum gas (LPG). The factual report identifying headshields as being economically justified was made to FRA by its contractor, the Association of American Railroads, in June of 1971. The regulation was not proposed, however, until May of 1973, and the final regulation was not published until July 23, 1974, almost three years later and after the second of three catastrophic accidents in rail yards. These accidents resulted in property damage of over \$39 million and there were eight fatalities and 814 injuries. The tank car headshield which could have been added for about \$6.3 million probably would have prevented each of these accidents. Another example involves recommendations made by the National Transportation Safety Board following the explosion of twelve car loads of bombs near Benson, Arizona, on May 24, 1973. Prior to its final determination of cause, the Safety Board recommended, on June 1, 1973, that FRA issue temporary regulations requiring the use of cars with roller bearings and either composition brake shoes or spark shields for the rail transportation of military explosive munitions of the type involved in the Benson explosion. FRA regulations now require that, effective July 1, 1975, all rail cars used to transport such explosives be equipped with high friction composition brake shoes and have either a metal subfloor with no combustible material exposed or metal spark shields extending over the wheel area. Effective December 31, 1975, all such rail cars must be equipped with roller bearings. From these examples, it is apparent that FRA needs to explore ways to expedite the research and development process and to produce earlier resolution of controversial corrections.

CONCLUSION

The Committee recommends enactment of the bill, as reported. The Committee is not recommending enactment solely on the basis that this legislation alone is the complete answer to railroad safety in the nation, or even on the basis that it will result in an immediate and dramatic improvement in rail safety. It has been argued that railroad economics and railroad safety are incompatible and that so long as the railroads remain in a deteriorating economic situation maintenance of track and roadbed will be deferred at the expense of safety. The Committee believes there is an element of truth in this argument, but remains hopeful that the railroad industry will become convinced that railroad safety is cost beneficial and will not continue to defer track and roadbed maintenance that is necessary to safe and efficient railroad transportation. The Committee feels this authoriza-

tion is necessary to assure adequate safety inspection and enforcement activities which are essential to an overall improvement in the railroad safety picture for the future.

COST ESTIMATE

In compliance with clause 7 of Rule XIII of the Rules of the House of Representatives, the following statement is made relative to the cost of this legislation.

The reported bill authorizes appropriations totaling \$35 million for railroad safety programs for the fiscal year 1976 and an additional \$8.75 million for the interim period of July 1 through September 30, 1976. For hazardous materials transportation programs, the reported bill authorizes \$7 million for fiscal year 1976 and an additional \$1.75 million for the interim period. Any additional appropriations for fiscal year 1977 and later fiscal years must be authorized by the Congress in subsequent legislation.

OVERSIGHT FINDINGS

Pursuant to Clause 2 (1) (3) (A) of Rule XI of the Rules of the House of Representatives, the Committee issues the following oversight findings:

The Committee believes that the Federal Railroad Administration of the Department of Transportation has been reluctant to implement and enforce the Federal Railroad Safety Act of 1970. Past experience has also indicated an over-emphasis by the FRA on research and development activities at the expense of safety inspection and enforcement activities. The Committee finds, however, that progress is being made in the direction of adequate implementation and enforcement of rail safety regulations. Funds are being requested by the FRA to increase the manpower necessary to adequate safety enforcement and inspection activities and to encourage increased participation by States. There is also increased emphasis on safety and enforcement activities as opposed to research and development activities.

In regard to Clause 2 (1) (3) (D) of Rule XI of the Rules of the House of Representatives, no oversight findings have been submitted to the Committee by the Committee on Government Operations.

In regard to Clause 2 (1) (3) (C) of Rule XI of the Rules of the House of Representatives, no cost estimate or comparison has been submitted by the Congressional Budget Office relative to the provisions of H.R. 5358.

INFLATIONARY IMPACT STATEMENT

Pursuant to Clause 2 (1) (4) of Rule XI of the Rules of the House of Representatives, the Committee makes the following statement in regard to the inflationary impact of the reported bill:

The reported bill authorizes appropriations totalling \$52.5 million for the period beginning July 1, 1975, and ending September 30, 1976. Of this total, \$43.75 million will be for rail safety programs and \$8.75 million will be for hazardous materials transportation programs.

A total of \$26.875 million will result in a direct increase in Federal employment in the area of rail safety inspection and enforcement activities, and will also result in an increase in State employment in the same area through State participation in the Federal enforcement program. An additional \$12.5 million will be allocated to railroad safety research and development activities. This can be expected to generate new employment through the development of new safety equipment and facilities.

In addition, examples given in this report indicate that railroad safety programs are cost beneficial and when properly implemented will have an anti-inflationary impact through prevention of rail accidents and saving millions of dollars in property damage, thereby increasing productivity and gross national output.

CHANGES IN EXISTING LAW MADE BY THE BILL. AS REPORTED

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

FEDERAL RAILROAD SAFETY ACT OF 1970

TITLE II—RAILROAD SAFETY

SEC. 201. SHORT TITLE.

This title may be cited as the "Federal Railroad Safety Act of 1970".

SEC. 202. RAIL SAFETY REGULATIONS.

(a) The Secretary of Transportation (hereafter in this title referred to as the "Secretary") shall (1) prescribe, as necessary, appropriate rules, regulations, orders, and standards for all areas of railroad safety supplementing provisions of law and regulations in effect on the date of enactment of this title, and (2) conduct, as necessary, research, development, testing, evaluation, and training for all areas of railroad safety. However, nothing in this title shall prohibit the bargaining representatives of common carriers and their employees from entering into collective bargaining agreements under the Railway Labor Act, including agreements relating to qualifications of employees, which are not inconsistent with rules, regulations, orders, or standards prescribed by the Secretary under this title. Nothing in this title shall be construed to give the Secretary authority to issue rules, regulations, orders, and standards relating to qualifications of employees, except such qualifications as are specifically related to safety.

(b) Hearings shall be conducted in accordance with the provisions of section 553 of title 5 of the United States Code for all rules, regulations, orders, or standards issued by the Secretary including those establishing, amending, revoking, or waiving compliance with a railroad safety rule, regulation, order, or standard under this title, and an opportunity shall be provided for oral presentations.

(c) The Secretary may, after hearing in accordance with subsection (b) of this section, waive in whole or in part compliance with any rule, regulation, order, or standard established under this title, if he determines that such waiver of compliance is in the public interest and is consistent with railroad safety. The Secretary shall make public his reasons for granting any such waiver.

(d) In prescribing rules, regulations, orders, and standards under this section the Secretary shall consider relevant existing safety data and standards.

(e) The Secretary shall issue initial railroad safety rules, regulations, orders, and standards under this title based upon existing safety data and standards, not later than one year after the date of enactment of this title. The Secretary shall review and, after hearing in accordance with subsection (b) of this section, revise such rules, regulations, orders, and standards as necessary.

(f) Any final agency action taken under this section is subject to judicial review as provided in chapter 7 of title 5 of the United States Code.

SEC. 203. EMERGENCY POWERS.

If through testing, inspection, investigation, or research carried out pursuant to this title, the Secretary determines that any facility or piece of equipment is in unsafe condition and thereby creates an emergency situation involving a hazard of death or injury to persons affected by it, the Secretary may immediately issue an order, without regard to the provisions of section 202(b) of this title, prohibiting the further use of such facility or equipment until the unsafe condition is corrected. Subsequent to the issuance of such order, opportunity for review shall be provided in accordance with section 554 of title 5 of the United States Code.

* * * * *

SEC. 206. STATE PARTICIPATION.

(a) A State may participate in carrying out investigative and surveillance activities in connection with any rule, regulation, order, or standard prescribed by the Secretary under this title if the safety practices applicable to railroad facilities, equipment, rolling stock, and operations within such State are regulated by a State agency and such State agency submits to the Secretary an annual certification that such State agency—

(1) has regulatory jurisdiction over the safety practices applicable to railroad facilities, equipment, rolling stock, and operations within the State concerned;

(2) has been furnished a copy of each Federal safety rule, regulation, order, and standard, applicable to any such railroad facility, equipment, rolling stock, or operation, established under this title as of the date of the certification;

(3) is conducting the investigative and surveillance activities prescribed by the Secretary as necessary for the enforcement by him of each rule, regulation, order, and standard referred to in paragraph (2) of this subsection, as interpreted by the Secretary.

The Secretary shall retain the exclusive authority to assess and compromise penalties and (except as otherwise provided by section 207 of

this title) to request injunctive relief for the violation of rules, regulations, orders, and standards prescribed by the Secretary under section 202(a) of this title and to recommend appropriate action as provided by sections 209 and 210 of this title.

(b) Each annual certification shall include a report, in such form as the Secretary may by regulation provide, showing—

(1) the name and address of each railroad subject to the safety jurisdiction of the State agency;

(2) all accidents or incidents reported during the preceding twelve months by each such railroad involving personal injury requiring hospitalization, fatality, or property damage exceeding \$750 or such other higher amount as the Secretary may prescribe, together with a summary of the State agency's investigation as to the cause and circumstances surrounding each such accident or incident;

(3) the record maintenance, reporting, and inspection practices conducted by the State agency to aid the Secretary in his enforcement of rules, regulations, orders, and standards prescribed by him under section 202(a) of this title, including a detail of the number of inspections made of rail facilities, equipment, rolling stock, and operations by the State agency during the preceding twelve months; and

(4) such other information as the Secretary may require.

The report included with the first annual certification need not show information unavailable at that time. If after receipt of annual certification the Secretary determines that the State agency is not satisfactorily complying with the investigative and surveillance activities prescribed by him with respect to such safety rules, regulations, orders, and standards, he may, on reasonable notice and after opportunity for hearing, reject the certification, in whole or in part, or take such other action as he deems appropriate to achieve adequate enforcement. When such notice is given by the Secretary, the burden of proof shall be upon the State agency to show that it is satisfactorily complying with the investigative and surveillance activities prescribed by the Secretary with respect to such safety rules, regulations, orders, and standards.

(c) With respect to any railroad facility, equipment, rolling stock, or operation for which the Secretary does not receive an annual certification under subsection (a) of this section, the Secretary may enter into an agreement with a State agency to authorize such agency to provide all or any part of the investigative and surveillance activities prescribed by the Secretary as necessary to obtain compliance with any Federal safety rule, regulation, order, or standard applicable to any such railroad facility, equipment, rolling stock, or operation. An agreement entered into under this subsection, or any provision thereof, may be terminated by the Secretary if, after notice and opportunity for a hearing, he finds that the State agency has failed to provide all or any part of the investigative and surveillance activities to which the agreement relates. Such finding and termination shall be published in the Federal Register, and shall become effective no sooner than fifteen days after the date of publication.

(d) Upon application by any State agency which has submitted a certification under subsection (a) of this section, or entered into an

agreement under subsection (c) of this section, the Secretary shall pay, out of funds appropriated pursuant to this title or otherwise made available, up to 50 per centum of the cost of the personnel, equipment, and activities of such State agency reasonably required, during the ensuing fiscal year, to carry out a safety program under such certification or agreement. No such payment may be made unless the State agency making application under this subsection given assurances satisfactory to the Secretary that the State agency will provide the remaining cost of such a safety program and that the aggregate expenditures of funds of the State, exclusive of Federal grants, for the safety program will be maintained at a level which does not fall below the average level of such expenditures for the last two fiscal years preceding the date of enactment of this title.

(e) The Secretary is authorized to conduct such monitoring of State investigative and surveillance practices and such other inspection and investigation as may be necessary to aid in the enforcement of the provisions of this title.

(f) The certification which is in effect under subsection (a) of this section shall not apply with respect to any new or amended Federal safety rule, regulation, order, or standard for railroads established under this title after the date of such certification until the State agency has submitted an appropriate certification in accordance with the provisions of subsection (a) of this section to provide the necessary inspection and surveillance activities in accordance with the provisions of such subsection.

* * * * *

SEC. 209. PENALTIES.

(a) It shall be unlawful for any railroad to disobey, disregard, or fail to adhere to any rule, regulation, order, or standard prescribed by the Secretary under this title.

(b) The Secretary shall include in, or make applicable to, any railroad safety rule, regulation, order, or standard issued under this title a civil penalty for violation thereof or for violation of section 2 of the Act of May 6, 1910 (45 U.S.C. 39) in such amount, not less than \$250 nor more than \$2,500, as he deems reasonable.

(c) Any railroad violating any rule, regulation, order, or standard referred to in subsection (b) of this section shall be assessed by the Secretary the civil penalty applicable to the standard violated. Each day of such violation shall constitute a separate offense. Such civil penalty is to be recovered in a suit or suits to be brought by the Attorney General on behalf of the United States in the district court of the United States having jurisdiction in the locality where such violation occurred. Civil penalties may, however, be compromised by the Secretary for any amount, but in no event for an amount less than the minimum provided in subsection (b) of this section, prior to referral to the Attorney General. The amount of any such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged. All penalties collected under this title, including penalties collected pursuant to section 207 of this title, shall be covered into the Treasury as miscellaneous receipts.

(d) In any action brought under this title, subpoenas for witnesses who are required to attend a United States district court may run into any other district.

SEC. 210. INJUNCTIVE RELIEF.

(a) The United States district court shall, at the request of the Secretary and upon petition by the Attorney General on behalf of the United States, or upon application by a State agency pursuant to section 207 of this title, have jurisdiction, subject to the provisions of rules 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title or to enforce rules, regulations, orders, or standards established under this title.

(b) In any proceeding for criminal contempt for violation of an injunction or restraining order issued under this section or under section 207 of this title, which violation also constitutes a violation of this title, trial shall be by the court, or, upon demand of the accused, by a jury, conducted in accordance with the provisions of rule 42(b) of the Federal Rules of Criminal Procedure.

SEC. 211. ANNUAL REPORT.

(a) The Secretary shall prepare and submit to the President for transmittal to Congress on or before May 1 of each year a comprehensive report on the administration of this title for the preceding calendar year. Such report shall include, but not be restricted to—

(1) a thorough statistical compilation of the accidents and casualties by cause occurring in such year;

(2) a list of Federal railroad safety rules, regulations, orders, and standards issued under this title in effect or established in such year;

(3) a summary of the reasons for each waiver granted under section 202(c) of this title during such year;

(4) an evaluation of the degree of observance of applicable railroad safety rules, regulations, orders, and standards issued under this title;

(5) a summary of outstanding problems confronting the administration of Federal railroad safety rules, regulations, orders, and standards issued under this title in order of priority;

(6) an analysis and evaluation of research and related activities completed (including the policy implications thereof) and technological progress achieved during such year;

(7) a list, with a brief statement of the issues, of completed or pending judicial actions for the enforcement of any Federal railroad safety rule, regulation, order, or standard issued under this title;

(8) the extent to which technical information was disseminated to the scientific community and consumer-oriented information was made available to the public;

(9) a compilation of—

(A) certifications filed by State agencies under section 206(a) of this title which were in effect during the preceding calendar year, and

(B) certifications filed under section 206(a) of this title which were rejected, in whole or in part, by the Secretary

during the preceding calendar year, together with a summary of the reasons for each such rejection; and

(10) a compilation of—

(A) agreements entered into with State agencies under section 206(c) of this title which were in effect during the preceding calendar year, and

(B) agreements entered into under section 206(c) of this title which were terminated by the Secretary, in whole or in part, during the preceding calendar year, together with a summary of the reasons for each such termination.

(b) The report required by subsection (a) of this section shall contain such recommendations for additional legislation as the Secretary deems necessary to strengthen the national railroad safety program.

(c) **SPECIAL REPORT.**—The Secretary shall prepare and submit to the President and the Congress, not later than March 17, 1976, a comprehensive railroad safety report. Such report shall—

(1) contain a description of the areas of railroad safety with respect to which Federal safety standards issued under this Act are in effect (as of June 30, 1975);

(2) identify any area of railroad safety with respect to which Federal safety standards have been proposed but have not been issued under this Act (as of June 30, 1975);

(3) identify any area of railroad safety with respect to which Federal safety standards have not been issued under this Act (as of June 30, 1975);

(4) identify alternative and more cost-effective methods for inspection and enforcement of Federal safety standards, including mechanical and electronic inspection, and contain an evaluation of problems involved in implementing such alternatives, with specific attention to the need for cooperation with the railroad industry;

(5) identify the areas of railroad safety listed in accordance with paragraphs (1) through (3) of this subsection which involve, or which may involve, State participation under section 206 of this Act;

(6) contain a description of the railroad safety program which is in effect or planned in each State (as of June 30, 1975), including—

(A) State program development;

(B) State plans to participate in program areas listed in accordance with paragraph (1) of this subsection, which are not covered by a State certification or agreement;

(C) State interest in participating in each program area listed in accordance with paragraphs (2) and (3) of this subsection, following issuance of the applicable safety standards;

(D) annual projections of each State agency's needs for personnel, equipment, and activities reasonably required to carry out its State program during each fiscal year from 1976 through 1980 together with estimates of the annual costs thereof separately stated as to projections under subparagraphs (B) and (C) of this paragraph;

(E) the sources from which the State expects to draw the funds to finance such programs; and

(F) the amount of State funds and of Federal financial assistance needed during each such fiscal year, by category;

(7) contain a detailed analysis of (A) the number of safety inspectors needed (by industry and Government respectively) to maintain an adequate and reasonable railroad safety program and record; (B) the minimum training and other qualifications needed for each such inspector; (C) the present and projected availability of such personnel in comparison to the need therefor; (D) the salary levels of such personnel in relation to salary levels for comparable positions in industry, State governments, and the Federal Government;

(8) evaluate alternative methods of allotting Federal funds among the States applying for Federal financial assistance, including recommendations, if needed, for a formula for such apportionment;

(9) contain a discussion of other problems affecting cooperation among the States that relate to effective participation of State agencies in the nationwide railroad safety program; and

(10) contain a description of the regulations and handling criteria established by the Secretary under the Hazardous Materials Transportation Act specifically applicable to the transportation of radioactive materials by railroad (as of June 30, 1975), together with annual projections of the amounts of radioactive materials reasonably expected to be transported by railroad during each fiscal year from 1976 through 1980 and an evaluation of the need for additional regulations and handling criteria applicable to the transportation of radioactive materials by railroad during each such fiscal year; and

(11) contain recommendations for any additional Federal and State legislation needed to further realization of the objectives of this Act.

Such report shall be prepared by the Secretary, directly or indirectly, after research, examination, study, and consultation with the national associations representing railroad employee unions, railroad management, cooperating State agencies, the national organization of State commissions, universities, and other persons having special expertise or experience with respect to railroad safety. Such report shall include, in an appendix, a statement of the views of the national associations representing railroad employee unions, of the carriers, and of the national organization of State commissions with respect to the content of such report in its final form.

SEC. 212. AUTHORIZATION FOR APPROPRIATIONS.

(a) There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$35,000,000 for the fiscal year ending June 30, 1975.

(b) Subject to the provisions of subsection (c), amounts appropriated under subsection (a) of this section shall be available for expenditure as follows:

(1) Not to exceed \$18,000,000 for the Office of Safety, including salaries and expenses for up to 350 safety inspectors and up to 80 clerical personnel.

[(2) Not to exceed \$3,500,000 to carry out the provisions of section 206(d) of this Act.

[(3) Not to exceed \$3,500,000 for the Federal Railroad Administration, for salaries and expenses not otherwise provided for.

[(4) Not to exceed \$10,000,000 for conducting research and development activities under this Act.

[(c) The aggregate of amounts obligated and expended in fiscal year 1975 for conducting research and development activities under this Act shall not exceed the aggregate of amounts expended in such fiscal year for the investigation and enforcement of railroad safety rules, regulations, orders, and standards prescribed or in effect under this Act.]

(a) *There are authorized to be appropriated to carry out the provisions of this title not to exceed \$35,000,000 for the fiscal year ending June 30, 1976; and not to exceed \$8,750,000 for the transition period of July 1, 1976, through September 30, 1976 (hereafter in this section referred to as the "transition period").*

(b) *Except as otherwise provided in subsection (c) of this section amounts appropriated under subsection (a) of this section shall be available for expenditure as follows:*

(1) *For the Office of Safety, including salaries and expenses for up to 500 safety inspectors and up to 100 clerical personnel, not to exceed \$18,000,000 for the fiscal year ending June 30, 1976; and not to exceed \$4,500,000 for the transition period.*

(2) *To carry out the provisions of section 206(d) of this title, not to exceed \$3,500,000 for the fiscal year ending June 30, 1976; and not to exceed \$875,000 for the transition period.*

(3) *For the Federal Railroad Administration, for salaries and expenses not otherwise provided for, not to exceed \$3,500,000 for the fiscal year ending June 30, 1976; and not to exceed \$875,000 for the transition period.*

(4) *For conducting research and development activities under this title, not to exceed \$10,000,000, for the fiscal year ending June 30, 1976; and not to exceed \$2,500,000 for the transition period.*

(c) *The aggregate of the amounts obligated and expended for research and development under this title in the fiscal year ending June 30, 1976, and in the transition period, shall not exceed the aggregate of the amounts expended for rail inspection and for the investigation and enforcement of railroad safety rules, regulations, orders, and standards under this title in such fiscal year, and in the transition period, respectively.*

SECTION 115 OF THE HAZARDOUS MATERIALS TRANSPORTATION ACT

AUTHORIZATION FOR APPROPRIATIONS

[Sec. 115. There is authorized to be appropriated for the purposes of this title, not to exceed \$7,000,000 for the fiscal year ending June 30, 1975.]

Sec. 115. There are authorized to be appropriated to carry out the provisions of this title not to exceed \$7,000,000 for the fiscal year ending June 30, 1976, and not to exceed \$1,750,000 for the transition period of July 1, 1976, through September 30, 1976.

APPENDIX I

TRAIN ACCIDENT SUMMARY

	1974 estimate	1973	Percent change
Total train accidents.....	10,419	9,698	+7.4
Human factors.....	2,110	2,282	-7.5
Equipment failures.....	2,108	1,992	+5.8
Track failures.....	4,239	3,556	+19.2
Miscellaneous causes.....	1,962	1,868	+5.0
Millions of train-miles.....	840,850	831,347	-1.1
Accident/millions of train miles.....	12.4	11.7	+6.0
Human factors.....	2.5	2.7	-7.4
Equipment.....	2.5	2.4	+4.2
Track.....	5.1	4.3	+18.6
Miscellaneous.....	2.3	2.3	0
Train accident casualties:			
Killed.....	140	149	-6.0
Injured.....	912	758	+20.3
Employee casualties, all types of accidents:			
Killed.....	140	158	-11.4
Injured.....	15,641	13,097	+19.4
Passenger casualties, all types of accidents:			
Killed.....	7	6	+16.0
Injured.....	585	504	+16.0

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APPENDIX II

RAILROAD DERAILMENTS, 1970-74

	Total reported accidents	Total derailments	Derailments as percent of all accidents	Percent increase of derailments over preceding year
1970	7,744	5,523	71.3	
1971	6,993	5,058	72.3	-8.4
1972	7,211	5,456	75.7	+7.9
1973	9,375	7,307	77.9	+28.9
1974	110,419	18,270	79.4	+19.2

1 FRA: Preliminary figures.

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APPENDIX III

TRAIN ACCIDENT RATES FOR INDIVIDUAL CARRIERS

The attached charts, with accompanying data tables, define train accident rates for individual carriers during 1971, 1972, 1973 and nine months of 1974. The first two charts use millions of train miles as the ratio base; the following two charts use billions of gross ton-miles.

Ratios were calculated for each Class I carrier reporting at least 50 total train accidents in any one of the four years under consideration (nine months of 1974) and also for all Class II carriers as a group. However, switching and terminal companies, both Class I and Class II, report train-miles but not gross ton-miles. Hence, they were included in the train-mile ratio charts, but excluded from the gross-ton-mile charts.

Train accident data were obtained from the Accident Bulletins Nos. 140, 141 and 142. The 1973 figures from No. 142 were adjusted to include accidents at rail-highway grade-crossings to insure consistency with the previous years.

Train-mile data was also obtained from these Bulletins. This information is reported monthly to the FRA by the carriers, as part of their monthly accident report.

The gross ton-mile figures for Class I line-haul railroads were obtained from the Interstate Commerce Commission. Class II line-haul carriers do not report gross ton-miles. Since Class I line-haul railroads report both gross ton-miles and ton-miles, an estimate of Class II line-haul gross ton mileage was made based on the ratio of gross-ton miles to ton-miles for Class I line-haul railroads. These ratios were computed as 2.414 for 1971, 2.541 for 1972 and 2.507 for 1973.

On each ratio bar chart, the railroads were plotted in order of descending 1973 ratios. Data for the nine months of 1974 were plotted on separate charts.

FRA has used these two bases (train miles-gross ton miles) because some railroads have indicated that one of the bases would not be appropriate for their particular property and would therefore show an inaccurate profile of their train accidents as compared to other carriers. However, an analysis by FRA of sixty-four Class I railroads using 1973 data has shown that the coefficient of correlation for Gross Ton Miles versus Total Train Miles is .979.

(19)

SUMMARY OF TRAIN ACCIDENT RATES

	Million of train-miles	Total train accidents		Human factors		Equipment defects		Track defects	
		Num-ber	Rate	Num-ber	Rate	Num-ber	Rate	Num-ber	Rate
1971: National average.....	783.844	7,304	9.3	1,912	2.4	1,630	2.1	2,276	2.9
1972:									
National average.....	781.408	7,532	9.6	1,853	2.4	1,577	2.0	2,544	3.3
All class I.....	752.621	7,352	9.8	1,819	2.4	1,561	2.1	2,477	3.3
All class II.....	28.787	180	6.3	34	1.2	16	.6	67	2.3
1973:									
National average.....	831.347	9,698	11.7	2,282	2.7	1,992	2.4	3,556	4.3
All class I.....	804.575	9,497	11.8	2,235	2.8	1,966	2.4	3,464	4.3
All class II.....	26.772	201	7.5	47	1.8	26	1.0	92	3.4
1974 (January-September):									
National average.....	630.270	7,868	12.5						
All class I.....	611.639	7,704	12.6						
All class II.....	18.631	164	8.8						

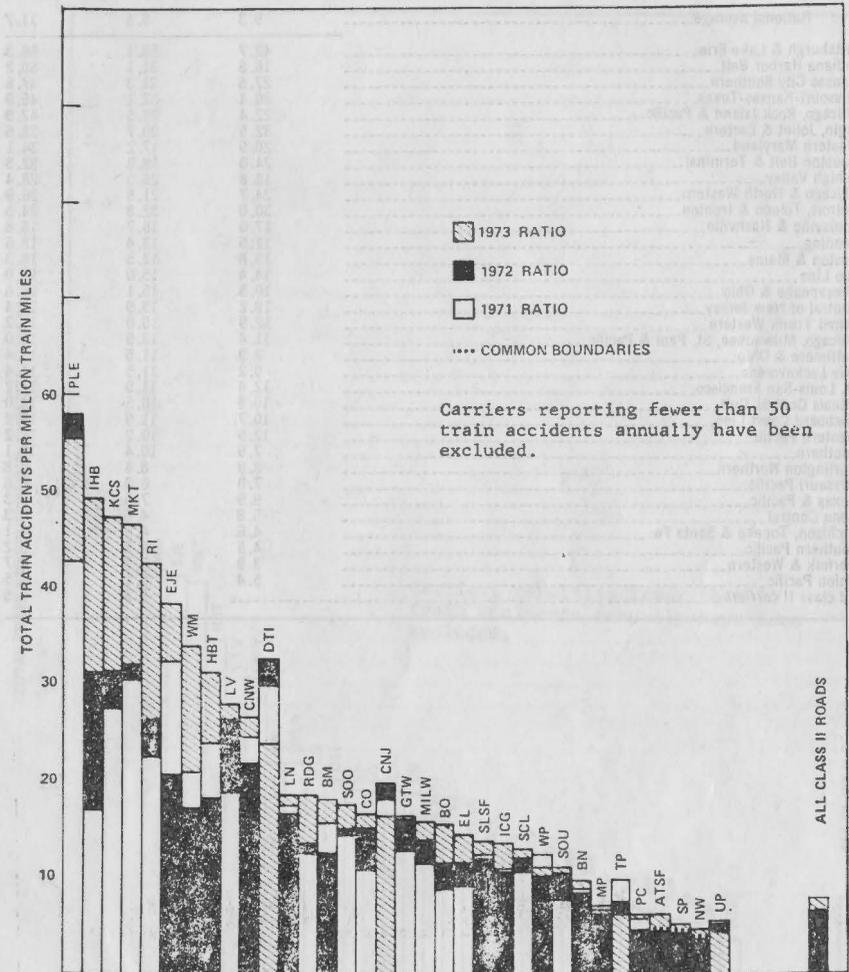
TRAIN ACCIDENTS BY REGION

Headquarters	1972	1973	January-June 1974	Percent change, 1973/1972
Region 1, Boston.....	473	546	367	+15.4
Region 2, Philadelphia.....	1,225	1,612	1,006	+28.4
Region 3, Atlanta.....	1,357	1,582	802	+16.6
Region 4, Chicago.....	1,850	2,382	1,337	+28.8
Region 5, Fort Worth.....	841	1,295	606	+54.0
Region 6, Portland.....	479	416	212	-13.2
Region 7, San Francisco.....	288	363	148	+26.0
Region 8, Kansas City.....	989	1,502	814	+51.9
Total	7,532	9,698	5,292	+28.8

The gross ton-mile figures for Class I line-haul railroads were obtained from the Interstate Commerce Commission. Class II line-haul railroads do not report gross ton-miles. Since Class I line-haul railroads report both gross ton-miles and ton-miles, an estimate of Class II line-haul gross ton-miles was made based on the ratio of gross ton-miles to ton-miles for Class I line-haul railroads. These ratios were computed as 2.44 for 1971, 2.51 for 1972 and 2.07 for 1973. On each ratio bar chart, the railroads were plotted in order of descending 1973 ratios. Data for the nine months of 1974 were plotted on separate charts.

FRA has used these two bases (train miles-gross ton miles) because some railroads have indicated that one of the bases would not be appropriate for their particular property and would therefore show an inaccurate profile of their train accidents as compared to other carriers. However, an analysis by FRA of sixty-four Class I railroads from 1973 data has shown that the correlation of correlation for Gross Ton Miles versus Total Train Miles is .97.

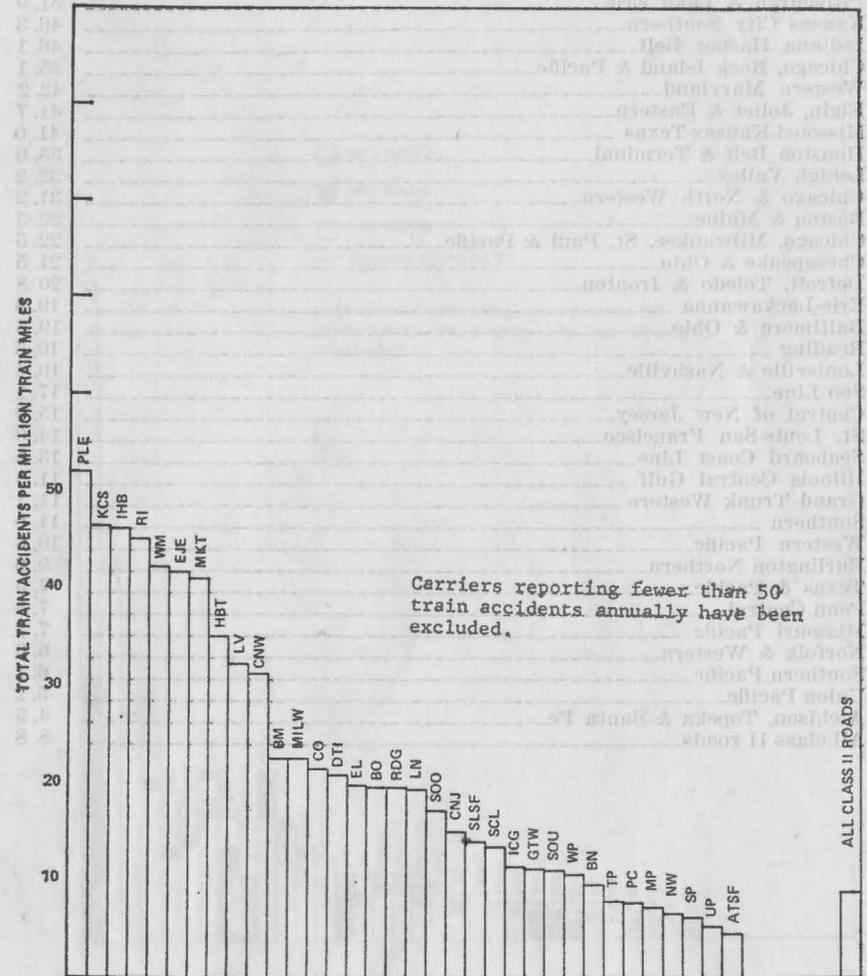
TOTAL TRAIN ACCIDENT RATES
BASED ON MILLIONS OF TRAIN MILES
1971 - 1973



TOTAL TRAIN ACCIDENT RATES BASED ON MILLIONS OF TRAIN MILES, 1971-73

	1971	1972	1973
National average.....	9.3	9.6	11.7
Pittsburgh & Lake Erie.....	42.7	58.1	56.3
Indiana Harbor Belt.....	16.8	31.1	50.2
Kansas City Southern.....	27.5	31.3	47.6
Missouri-Kansas-Texas.....	30.4	32.1	46.9
Chicago, Rock Island & Pacific.....	22.4	26.5	42.9
Elgin, Joliet & Eastern.....	32.5	20.7	38.6
Western Maryland.....	20.9	17.2	34.1
Houston Belt & Terminal.....	24.0	18.3	32.5
Lehigh Valley.....	18.8	26.5	28.4
Chicago & North Western.....	24.7	21.9	26.9
Detroit, Toledo & Ironton.....	30.0	32.8	24.5
Louisville & Nashville.....	17.6	16.7	18.6
Reading.....	12.5	13.4	18.6
Boston & Maine.....	15.8	12.5	18.3
Soo Line.....	14.4	15.0	18.0
Chesapeake & Ohio.....	10.8	15.1	16.6
Central of New Jersey.....	18.2	19.9	16.4
Grand Trunk Western.....	12.9	16.0	16.2
Chicago, Milwaukee, St. Paul & Pacific.....	11.4	13.9	16.0
Baltimore & Ohio.....	8.9	11.5	15.4
Erie Lackawanna.....	9.2	11.5	14.4
St. Louis-San Francisco.....	12.4	11.9	14.2
Illinois Central Gulf.....	10.9	10.5	14.0
Seaboard Coast Line.....	10.7	11.9	13.2
Western Pacific.....	12.5	10.2	11.2
Southern.....	7.9	10.4	11.1
Burlington Northern.....	8.8	8.4	9.8
Missouri Pacific.....	7.0	6.3	6.8
Texas & Pacific.....	9.9	7.5	6.3
Penn Central.....	5.8	4.6	6.3
Atchison, Topeka & Santa Fe.....	4.6	4.5	6.1
Southern Pacific.....	4.5	4.9	5.2
Norfolk & Western.....	3.9	3.8	4.7
Union Pacific.....	5.4		4.5
All class II carriers.....		6.3	7.5

TOTAL TRAIN ACCIDENT RATES
BASED ON MILLIONS OF TRAIN MILES
JANUARY - SEPTEMBER 1974

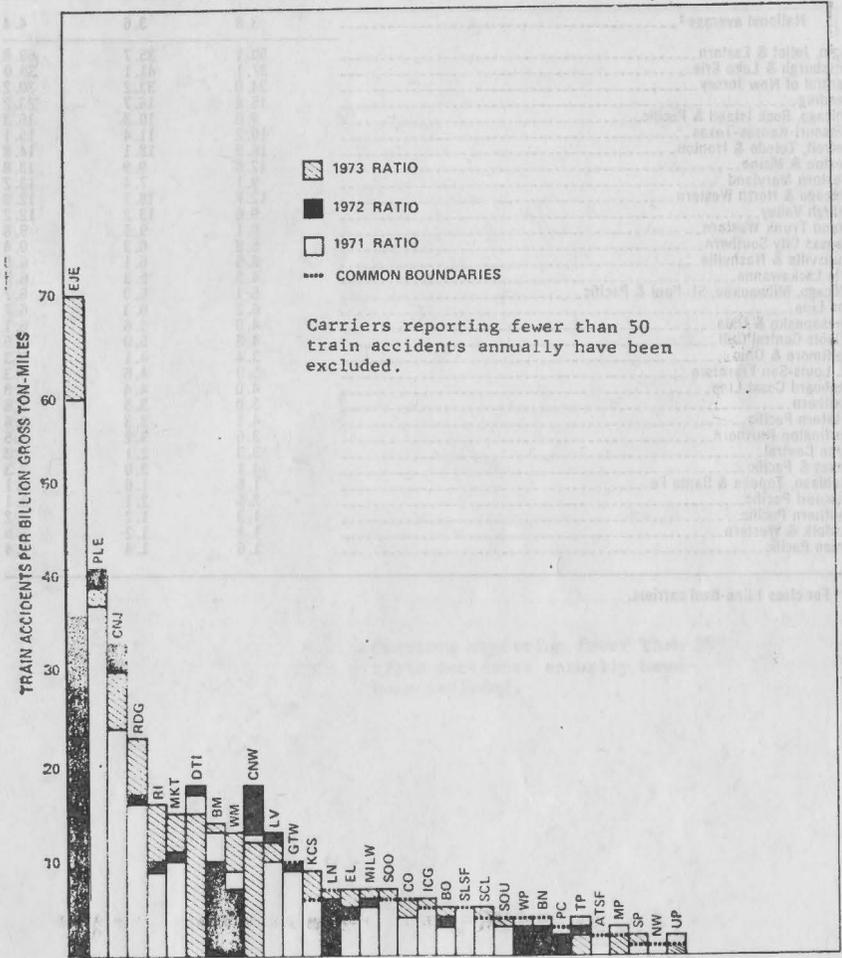


Total train accident rates based on millions of train miles,
January-September 1974

National average.....	12.5
Pittsburgh & Lake Erie.....	51.9
Kansas City Southern.....	46.3
Indiana Harbor Belt.....	46.1
Chicago, Rock Island & Pacific.....	45.1
Western Maryland.....	42.2
Elgin, Joliet & Eastern.....	41.7
Missouri-Kansas-Texas.....	41.0
Houston Belt & Terminal.....	35.0
Lehigh Valley.....	32.2
Chicago & North Western.....	31.2
Boston & Maine.....	22.5
Chicago, Milwaukee, St. Paul & Pacific.....	22.5
Chesapeake & Ohio.....	21.5
Detroit, Toledo & Ironton.....	20.8
Erie-Lackawanna.....	19.8
Baltimore & Ohio.....	19.5
Reading.....	19.5
Louisville & Nashville.....	19.4
Soo Line.....	17.1
Central of New Jersey.....	15.0
St. Louis-San Francisco.....	14.0
Seaboard Coast Line.....	13.5
Illinois Central Gulf.....	11.5
Grand Trunk Western.....	11.1
Southern.....	11.0
Western Pacific.....	10.6
Burlington Northern.....	9.6
Texas & Pacific.....	7.9
Penn Central.....	7.8
Missouri Pacific.....	7.3
Norfolk & Western.....	6.6
Southern Pacific.....	6.1
Union Pacific.....	5.2
Atchison, Topeka & Santa Fe.....	4.5
All class II roads.....	8.8



TOTAL TRAIN ACCIDENT RATES
BASED ON BILLIONS OF GROSS TON-MILES
1971 - 1973



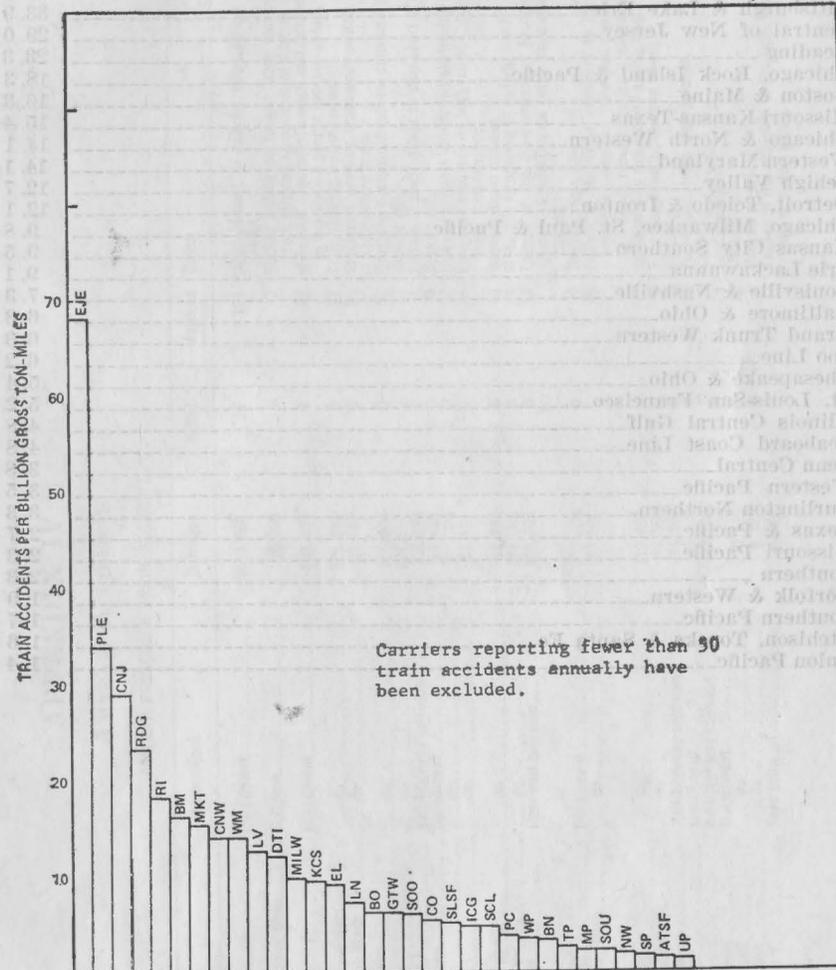
TOTAL TRAIN ACCIDENT RATES BASED ON BILLIONS OF GROSS TON-MILES, 1971-73

	1971	1972	1973
National average ¹	3.8	3.6	4.4
Elgin, Joliet & Eastern	59.1	35.7	69.8
Pittsburgh & Lake Erie	37.1	41.1	39.0
Central of New Jersey	24.0	33.2	30.2
Reading	15.8	16.7	23.2
Chicago, Rock Island & Pacific	9.0	10.3	16.3
Missouri-Kansas-Texas	10.2	11.4	15.1
Detroit, Toledo & Ironton	16.9	18.1	14.8
Boston & Maine	12.6	9.9	13.8
Western Maryland	9.1	7.4	13.2
Chicago & North Western	12.7	18.1	12.3
Lehigh Valley	9.6	13.2	12.2
Grand Trunk Western	9.1	9.8	9.8
Kansas City Southern	5.8	6.3	9.4
Louisville & Nashville	6.5	6.1	6.9
Erie Lackawanna	4.3	5.3	6.7
Chicago, Milwaukee, St. Paul & Pacific	5.1	6.0	6.7
Soo Line	6.2	6.3	6.7
Chesapeake & Ohio	4.0	5.6	6.7
Illinois Central Gulf	4.8	5.0	6.7
Baltimore & Ohio	3.4	4.1	6.7
St. Louis-San Francisco	5.0	4.6	6.7
Seaboard Coast Line	4.0	4.4	6.7
Southern	3.0	3.5	6.7
Western Pacific	4.1	3.3	6.7
Burlington Northern	3.6	3.2	6.7
Penn Central	3.3	2.1	6.7
Texas & Pacific	4.1	3.0	6.7
Atchafalaya, Topeka & Santa Fe	1.6	1.6	6.7
Missouri Pacific	2.5	2.1	6.7
Southern Pacific	1.3	1.2	6.7
Norfolk & Western	1.3	1.2	6.7
Union Pacific	1.6	1.4	6.7

¹ For class 1 line-haul carriers.



TOTAL TRAIN ACCIDENT RATES
BASED ON BILLIONS OF GROSS TON-MILES
JANUARY - SEPTEMBER 1974



Total train accident rates based on billions of gross ton-miles,
January-September 1974

Elgin, Joliet & Eastern	68.1
Pittsburgh & Lake Erie	33.9
Central of New Jersey	29.0
Reading	23.3
Chicago, Rock Island & Pacific	18.3
Boston & Maine	16.3
Missouri-Kansas-Texas	15.4
Chicago & North Western	14.1
Western Maryland	14.1
Lehigh Valley	12.7
Detroit, Toledo & Ironton	9.8
Chicago, Milwaukee, St. Paul & Pacific	9.8
Kansas City Southern	9.5
Erie Lackawanna	9.1
Louisville & Nashville	7.8
Baltimore & Ohio	6.8
Grand Trunk Western	6.3
Soo Line	6.2
Chesapeake & Ohio	5.4
St. Louis-San Francisco	5.2
Illinois Central Gulf	4.8
Seaboard Coast Line	4.8
Penn Central	3.8
Western Pacific	3.5
Burlington Northern	3.3
Texas & Pacific	2.7
Missouri Pacific	2.3
Southern	2.3
Norfolk & Western	1.9
Southern Pacific	1.7
Atchafalaya, Topoka & Santa Fe	1.6
Union Pacific	1.4

APPENDIX IV

AMTRAK ACCIDENTS

AMTRAK PASSENGER TRAIN ACCIDENTS

Railroad	Date	Place	Type accident	Damages	Killed	Injured	Cause
1. IC (NTSB)	June 10, 1971	Salem, Ill.	Derailment	\$619,000	11	163	Displacement of rail by false flange of locomotive wheel.
2. PC	Sept. 21, 1971	Newcomerstown, Ohio	Collision	1,500	0	2	Shifted lading on freight train moving on adjacent track striking locomotive of Amtrak train.
3. SCL	Dec. 23, 1971	Cross Bayou, Fla.	Derailment	808,305	0	22	Malicious opening of switch and failure of enginem to maintain a proper lookout ahead.
4. BN	Jan. 28, 1972	Cut Bank, Mont.	do	225,845	0	27	Train striking frozen snowdrift.
5. BN	Feb. 23, 1972	South Seattle, Wash.	do	35,565	0	56	Trackman opening cross-over switch in front of a approaching train.
6. IC	May 30, 1972	Chicago, Ill.	do	116,000	0	36	Dragging equipment (steam connector).
7. BN	Dec. 4, 1972	Inland, Nebr.	do	237,617	0	73	Broken rail.
8. BN	Sept. 20, 1972	Arlington, Ill.	Rail/highway collision	8,043	2	1	Failure of truck driver to stop short of crossing.
9. BN	Dec. 9, 1972	Wabaska, Minn.	Derailment	13,600	0	0	Broken rail.
10. ICG	do	Hayes, Ill.	do	(1)	0	32	Unknown object struck rail shattering same.
11. SCL	Dec. 13, 1972	Grandy, Va.	do	33,131	0	14	Excessive pressure on high rail of 4° curve. Inadequate track maintenance.
12. ICG	Dec. 30, 1972	Champaign, Ill.	do	18,900	0	16	Broken steam conduit.
13. CV	Jan. 5, 1973	Brain Tree, Vt.	do	184,000	0	4	Malicious tampering of switch.
14. PC	Mar. 14, 1973	Cheverly, Md.	Rear end collision	146,200	0	13	Failure of the crew members to operate the work train in accordance with restricted signal indications.
15. ATSF	Mar. 16, 1973	Newton, Kans.	Derailment	(2)	0	0	Broken angle bars.
16. PC	Mar. 18, 1973	East Palestine, Ohio	do	383,500	1	49	Failure of the crew members to inspect the track after the preceding train had separated and "run-in" which resulted in track out of alignment.
17. ICG	July 12, 1973	Chebanse, Ill.	do	112,000	0	72	Inadequately maintained spring frog.
18. ICG	Aug. 21, 1973	Leverett Junction, Ill.	do	44,500	0	3	Thin flange on locomotive wheel.
19. UP	Sept. 20, 1973	Gilcrest, Colo.	Rail/highway collision	41,900	0	0	Crossing.
20. BN	Oct. 4, 1973	Earlville, Ill.	Derailment	33,523	0	0	Inadequate track maintenance.
21. ICG	Oct. 19, 1973	Odell, Ill.	Rail/highway collision	3,000	2	2	Crossing.
22. ICG	Nov. 17, 1973	Memphis, Tenn.	Derailment	7,750	0	1	Low track joint.
23. SP	Dec. 28, 1973	Anderson, Calif.	do	220,615	0	22	Broken rail.
24. ATSF	Jan. 1, 1974	Deerfield, Kans.	do	8,925	0	0	Broken wheel.
25. PC	Jan. 2, 1974	New York, N.Y.	Side collision	2,575	0	5	Failure of the engineer of the light locomotive unit to stop at a stop signal.

See footnotes at end of table.

(29)

AMTRAK PASSENGER TRAIN ACCIDENTS—Continued

Railroad	Date	Place	Type accident	Damages	Killed	Injured	Cause
26 SP	Jan. 4, 1974	Newark, Calif.	Rail/highway collision	55,200	0	3	Crossing.
27 ICG	Jan. 11, 1974	Lenox, Ill.	Deraiment	31,350	0	3	Snow and ice accumulation on track structure.
28 PC	Jan. 13, 1974	West Mansfield, Mass.	do	(*)	0	0	Broken wheel.
29 ATSF	Jan. 1, 1974	Ardmore, Okla.	do	(*)	0	25	Wide gage of track.
30 BN	Feb. 12, 1974	Stratton, Nebr.	do	67,000	0	19	Broken wheel.
31 SP	Mar. 6, 1974	Shedd, Oreg.	Rail/highway collision	92,700	1	6	Crossing.
32 SP	Mar. 11, 1974	Dayton, Tex.	Deraiment	(*)	0	3	Rock and roll.
33 ICG	Mar. 14, 1974	South Bloomington, Ill.	do	18,000	0	0	Locomotive wheels out of gage.
34 PC	Mar. 26, 1974	Van Wert, Ohio	do	913	0	0	Broken rail.
35 PC	Apr. 30, 1974	Winamac, Ind.	do	34,000	0	25	Welded rail joint.
36 PC	May 10, 1974	Seymour, Ind.	do	232,500	0	12	Steam connector lodged in heel block.
37 PC	June 17, 1974	Greenwood, Ind.	do	148,500	0	3	Broken rail.
38 SFE	July 5, 1974	Melvern, Kans.	do	817,000	0	38	Do.
39 LAN	July 16, 1974	Fallsville, Ala.	do	1,300	0	0	Bucked track.
40 SCL	Aug. 12, 1974	Wake Forest, N.C.	do	305,000	0	15	Broken rail.
41 UP	Aug. 15, 1974	Ogden, Utah	do	40,000	0	2	Switch failure.
42 SP	Aug. 27, 1974	Oregon City, Oreg.	do	9,200	0	0	Generator pulled loose.
43 ICG	Sept. 16, 1974	Galena, Ill.	Collision	100,000	0	0	Passed stop signal.
44 SP	Sept. 21, 1974	Redding, Calif.	Deraiment	150,000	0	15	Vandalism.
45 SCL	Oct. 17, 1974	Thomasville, Ga.	Rear end collision	60,000	0	8	Rear end collision.
46 MILW	Nov. 26, 1974	St. Paul, Minn.	Deraiment	18,000	0	0	Switch failure.
47 SCL	Nov. 29, 1974	Jacksonville, Fla.	Sideswipe	17,000	0	1	Passed stop signal.
48 PC	Dec. 5, 1974	Baltimore, Md.	Deraiment	50,000	0	0	Wide gage.
49 PC	Dec. 28, 1974	Thompsontown, Pa.	do	181,500	0	40	Split rail.

* No estimate.
 * Undetermined.

* Unknown.

AMTRAK ACCIDENTS: 1971-74
 (Summary by selected cause)

Probable cause	1971 (8 mos.)	1972	1973	1974
Track	1	2	4	10
Equipment (Amtrak and railroad)	1	0	0	2
Employees	0	1	1	4
Vandalism	0	0	0	2
Miscellaneous	1	0	0	1

AMTRAK ACCIDENTS: 1971-74

Year	Summary of damage costs by probable cause of accident ¹					Total
	Track	Employees	Equipment	Vandals	Miscellaneous	
1971	\$294,348	\$35,565	\$619,000	\$808,305	\$1,500	\$1,428,805
1972	429,308	134,900	134,900	225,845	686,658	1,128,688
1973	753,308	146,207	44,500	184,000	31,350	2,292,163
1974	1,350,113	179,575	335,125	150,000	31,350	2,292,163
Total	2,633,849	361,340	1,133,525	1,142,305	258,695	5,529,714

¹ Does not include cost of track repair, cost of clearing wreck, cost of reworking trains, cost of equipment replacement, or claims. Cost only includes damage sustained by Amtrak equipment at the time of the accident.

FEDERAL RAILROAD SAFETY
AUTHORIZATION ACT
OF 1975

R E P O R T
OF THE
SENATE COMMITTEE ON COMMERCE
ON
S. 1462



MAY 14 (legislative day, APRIL 21), 1975.—Ordered to be printed.

U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1975

FEDERAL RAILROAD AUTHORIZATION ACT OF 1975

MAY 14 (legislative day, APRIL 21), 1975.—Ordered to be printed

Mr. HARTKE, from the Committee on Commerce
submitted the following

REPORT

[To accompany S. 1462]

The Committee on Commerce to which was referred the bill (S. 1462) to amend the Federal Railroad Safety Act of 1970 and the Hazardous Materials Transportation Act to authorize additional appropriations, and for other purposes, having considered the same, reports favorably thereon without amendment, and recommends that the bill do pass.

DESCRIPTION

This bill provides an authorization of appropriations for fiscal year 1976 and the fiscal year transition period from July 1, 1976 through September 30, 1976, to carry out the purposes of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441 et seq.) and the Hazardous Materials Transportation Act (49 U.S.C. 1812 et seq.).

The Federal Railroad Safety Act of 1970 forms the basis of the Federal Government's program to ensure the safety of the Nation's railroads. The Act mandates the Secretary of Transportation to "(1) prescribe, as necessary, appropriate rules, regulations, orders, and standards for all areas of railroad safety supplementing provisions of law and regulations in effect on October 16, 1970 and (2) conduct, as necessary, research, development, testing, evaluation and training for all areas of railroad safety." (Section 202(a)). The Act further provides the States with the opportunity to assume responsibility for enforcing Federal rail safety standards. States assuming such responsibilities are entitled to Federal grants-in-aid.

The bill authorizes the appropriation of sums not to exceed \$35 million for the fiscal year ending June 30, 1976 and \$9 million for the fiscal year transition period from July 1, 1976 through September 30,

1976 for the purposes of implementing this Act. Such amounts appropriated under this authorization shall be available for expenditure as follows: First, not more than \$18 million in fiscal year 1976 and \$4.5 million in the fiscal year transition period may be spent for the Office of Safety of the Department of Transportation, including salaries and expenses for up to 500 safety inspectors and up to 110 clerical personnel. Second, not more than \$3.5 million in fiscal year 1976 and \$900,000 in fiscal year transition period may be spent to implement section 206(d) of the Act which provides for grants-in-aid to States which are certified or with which an agreement has been entered into for enforcement of the Federal standards. Third, not more than \$3.5 million in fiscal year 1976 and \$900,000 in fiscal year transition period may be spent by the Federal Railroad Administration for salaries and expenses not otherwise provided for. Fourth, not more than \$10 million in fiscal year 1976 and \$2.7 million in fiscal year transition period may be spent for conducting research and development activities pursuant to the requirements of the Act. Finally, the bill provides that the amounts obligated and expended for research and development in fiscal year 1976 and in the fiscal year transition period shall not exceed the aggregate of the amounts expended for rail inspection and for the investigation and enforcement of rail safety rules, regulations, orders and standards under the Act.

The Hazardous Materials Transportation Act was enacted into law during the second session of the 93d Congress. Under that Act, the Secretary of Transportation is mandated to promulgate and enforce Federal hazardous materials transportation regulations for each of the modal administrations. The bill authorizes the appropriation of not to exceed \$7 million for fiscal year 1976 and \$2 million for the fiscal year transition period from July 1, 1976 through September 30, 1976.

BACKGROUND AND NEED

When Congress enacted the Federal Railroad Safety Act of 1970, it did so in response to the mounting toll of economic loss, injury, and death due to rail accidents. It was hoped that this comprehensive scheme of Federal regulation coupled with Federal-State enforcement activities, would halt this trend. The deteriorating economic condition of the railroads resulting in deferred maintenance was posing a safety menace to railroad employees, rail passengers, and owners of property being transported on the railroads.

Each year for the past 5 years, the Surface Transportation Subcommittee has held oversight hearings on the implementation of the Railroad Safety Act of 1970. Each year as the Committee anticipates these hearings, it is hoped that the trend of our deteriorating safety record has been reversed. And each year, the Committee has been disappointed and this year has been no exception.

In 1975 there were 10,419 train accidents, an increase of 7.4 percent over the previous year. Of that number, over 40 percent (4,239) were due to track failures—a staggering 19.2 percent higher than the previous year. While the rate of increase in train accidents was lower in 1974 than in the previous year by 1.1 percent, the toll of railroad accident carnage leaves little to be proud of. In 1974, 140 were killed and 912 were injured in train accidents. And, the level of injury and

death for railroad employees in other types of accidents was even more devastating: 140 were killed and 15,641 were injured. This injury rate is 19.4 percent higher than in the previous year. Clearly, the time has come for a reinvigorated effort by the Federal Railroad Administration.

The Railway Labor Executives Association, in its testimony before the Committee, pointed out that there were only 75 inspectors designated as being responsible for inspecting the Nation's fleet of 1.8 million freight cars and 30,000 locomotives. The results from safety inspections showed that more attention ought to be given to this area. Of the locomotives inspected in 1974, 14.8 percent had defects—the highest percentage found defective in over 29 years. Similarly, of the freight cars and passenger cars inspected in 1974, 12.5 percent were found defective. This was the highest percentage in more than 17 years. What is disturbing to the Committee, however, is that it appears as though the number of cars and locomotives inspected was drastically reduced. In 1973, 406,336 inspections of cars and locomotives were made. In 1974, that number was the lowest ever—276,794. The number of locomotives inspected during this time also decreased from the 73,111 level in 1973 to only 34,890 during 1974.

It is for these reasons that S. 1462 would provide for funds to support up to 500 safety inspectors. The Federal Railroad Administration had 317 such inspectors as of April 1, 1975 (although 369 had been authorized by Congress). It is the Committee's belief that unless the Federal Railroad Administration's safety regulations are vigorously enforced by Federal and State inspectors, the trend toward greater casualty and death on the Nation's rails will continue its spiraling trend. This increased inspection activity by Federal and State inspectors should include inspections of the railroads' inspection-repair programs, as recommended in the April 11, 1975, General Accounting Office report to the Secretary of Transportation.

Of extreme disappointment to the Committee is the slow progress being made in implementing section 206 of the Federal Railroad Safety Act. When Congress enacted the 1970 Act, it fully intended this to be a joint Federal-State program. Section 206 provides that a State may "participate in carrying out investigative and surveillance activities in connection with any rule, regulation, order or standard prescribed by the Secretary under this Act." Each year, Congress has provided adequate funds for the Secretary to implement this section. However, to date, only six States—Iowa, Missouri, Nebraska, Oregon, Pennsylvania, and Washington—have been certified to participate in this program. Only an additional two States—Illinois and Vermont—have entered into agreements with the Federal Government to participate under the section 206 program. Thus, only eight States are actively involved in the rail safety program. This should be contrasted with the 48 States which are participating in the gas pipeline safety program under the Natural Gas Pipeline Safety Act.

S. 1462 would provide up to \$3.5 million to implement the State program. Without adequate participation by the States, it is doubtful that we can achieve a meaningful level of enforcement of the Federal safety standards. To the extent that a State is not qualified to be certified as a participating State under section 206, the Federal Government should be providing training and technical assistance to those

States who have something to contribute. In the meantime, the FRA should enter into agreements with those States pursuant to section 206(c), to utilize those resources which the non-certified States may be able to contribute to the rail safety effort.

Finally, under FRA regulations, the States are now eligible to assist only in the enforcement of the Federal track standards. The FRA should move expeditiously to provide procedures for participation by the States in the enforcement of all of the Federal rail safety regulations.

It is equally important that FRA continue a research and development program which is designed to support future rulemaking activities and develop new technology in the area of railroad safety. One of the highest priorities should be the perfection of high speed inspection equipment for track geometry and conditions. Such an effort would aid in the vigorous enforcement of the Federal safety regulations. In its testimony before the Committee, the FRA indicated that it planned to spend \$5.2 million in fiscal year 1976 for railroad safety research and development. The limitation in S. 1462 that inspection funds not exceed research funds should not inhibit the research program of the Federal Railroad Administration.

Finally, on April 3, 1975, Acting Administrator Asaph Hall announced a reorganization of the FRA which he said was designed to facilitate the meeting by FRA of its increased responsibilities, particularly in the area of rail transportation assistance. Under the new plan, the eight regional offices whose major, if not sole, responsibility is to implement the safety program, will be reporting directly to the Administrator, thus bypassing completely the Associate Administrator for Safety. While the ramifications of this reorganization are not entirely clear, it may suggest that in fulfilling its dual role of promoting the financial health and regulating the safety of the Nation's railroads, that the latter program may be sacrificed. Some have argued that railroad economics and railroad safety are incompatible.

It should be made clear, however, that the Committee will watch closely to ensure that the safety program is not sacrificed. Railroad safety makes good economics. A case in point was presented by the National Transportation Safety Board in its testimony before the Committee. The Board pointed out that the property damage alone in three tank car accidents exceeded \$39,254,000. In those accidents, there were eight fatalities, and 814 injuries, of which about 100 were serious. The FRA subsequently published regulations effective July 23, 1974 requiring head shields on all new DOT 112A and 114A tank cars. The regulation further required the industry to retrofit those tank cars now in service with head shields by 1977. The cost of this safety device will be about \$6.3 million. Thus, the dollar loss in the three accidents was six times the cost of the proposed correction. Clearly, the railroad safety program is cost beneficial and must be vigorously pursued.

Title I of Public Law 93-633, the Hazardous Materials Transportation Act, reorganized the hazardous materials program of the Federal Government. It centralized in the Secretary of Transportation the authority for the development, promulgation and enforcement of hazardous materials regulations. The reorganization of the hazardous

materials regulatory program was enacted at the request of the Administration.

On January 16, 1975, the Department announced in the Federal Register that it was continuing certain delegations of authority which existed prior to the enactment of the Hazardous Materials Transportation Act. In a letter to the Committee dated March 5, 1975, Acting Secretary John W. Barnum indicated that permanent delegations of authority under the new Act were presently being processed. Over 4 months have passed since the passage of the Hazardous Materials Transportation Act. The authorization of appropriations contained in S. 1462 is modest given the dimension of the hazardous materials program. The Committee would have preferred by this time, to have authorized funds greater than in the original act to enable the Department to implement this very important program. It is hoped that the Secretary of Transportation will make it his highest priority to organize his Department to handle the new responsibilities contained in the Hazardous Materials Transportation Act of 1974.

COSTS

In accordance with section 292(a) of the Legislative Reorganization Act of 1970 (Public Law 91-510), the Committee estimates that the costs associated with S. 1462 will not exceed \$42 million for the fiscal year ending June 30, 1976 and \$11 million for the fiscal year transition period from July 1, 1976 through September 30, 1976.

CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill as reported are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 212 OF THE FEDERAL RAILROAD SAFETY ACT OF 1970 (45 U.S.C. 441 et seq.)

§ 212(a) There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$35,000,000 for the fiscal year ending June 30, 1975.

(b) Subject to the provisions of subsection (c), amounts, appropriated under subsection (a) of this section shall be available for expenditure as follows:

(1) Not to exceed \$18,000,000 for the Office of Safety, including salaries and expenses for up to 350 safety inspectors and up to 80 clerical personnel.

(2) Not to exceed \$3,500,000 to carry out the provisions of section 206(d) of this Act.

(3) Not to exceed \$3,500,000 for the Federal Railroad Administration, for salaries and expenses not otherwise provided for.

(4) Not to exceed \$10,000,000 for conducting research and development activities under this Act.

(c) The aggregate of amounts obligated and expended in fiscal year 1975 for conducting research and development activities under

this Act shall not exceed the aggregate of amounts expended in such fiscal year for the investigation and enforcement of railroad safety rules, regulations, orders, and standards prescribed or in effect under this Act.]

SEC. 212. AUTHORIZATION FOR APPROPRIATIONS.

(a) *There are authorized to be appropriated to carry out the provisions of this title not to exceed \$35,000,000 for the fiscal year ending June 30, 1976 and \$9,000,000 for the fiscal year transition period from July 1, 1976 through September 30, 1976.*

(b) *Except as otherwise provided in subsection (c) of this section, amounts appropriated under subsection (a) of this section shall be available for expenditure as follows:*

(1) *Not to exceed \$18,000,000 for the fiscal year ending June 30, 1976 and \$4,500,000 for such fiscal year transition period for the Office of Safety, including salaries and expenses for up to five hundred safety inspectors and up to one hundred and ten clerical personnel.*

(2) *Not to exceed \$3,500,000 for the fiscal year ending June 30, 1976 and \$900,000 for such fiscal year transition period to carry out the provisions of section 206(d) of this title.*

(3) *Not to exceed \$3,500,000 for the fiscal year ending June 30, 1976 and \$900,000 for such fiscal transition period for the Federal Railroad Administration, for salaries and expenses not otherwise provided for.*

(4) *Not to exceed \$10,000,000 for the fiscal year ending June 30, 1976 and \$2,700,000 for such fiscal year transition period for conducting research and development activities under this title.*

(c) *The aggregate of the amounts obligated and expended for research and development under this title in the fiscal year ending June 30, 1976, and such fiscal year transition period, shall not exceed the aggregate of the amounts expended for rail inspection and for the investigation and enforcement of railroad safety rules, regulations, orders, and standards under this title in the same fiscal year.*

**SEC. 115 OF THE HAZARDOUS MATERIALS TRANSPORTATION ACT
(49 U.S.C. 1812 et seq.)**

[AUTHORIZATION FOR APPROPRIATIONS

[SEC. 115. There is authorized to be appropriated for the purposes of this title, not to exceed \$7,000,000 for the fiscal year ending June 30, 1975.]

AUTHORIZATION FOR APPROPRIATIONS

SEC. 115. There are authorized to be appropriated to carry out the provisions of this title not to exceed \$7,000,000 for the fiscal year ending June 30, 1976 and \$2,000,000 for the fiscal year transition period from July 1, 1976 through September 30, 1976.

AGENCY COMMENTS



Ninety-fourth Congress of the United States of America

AT THE FIRST SESSION

*Begun and held at the City of Washington on Tuesday, the fourteenth day of January,
one thousand nine hundred and seventy-five*

An Act

To amend the Federal Railroad Safety Act of 1970 and the Hazardous Materials Transportation Act to authorize additional appropriations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Federal Railroad Safety Authorization Act of 1975".

SEC. 2. Section 211(c) of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440(c)), relating to a comprehensive railroad safety report, is amended—

- (1) by striking out "and" at the end of paragraph (9); and
- (2) by redesignating paragraph (10) as paragraph (11), and by inserting immediately after paragraph (9) the following new paragraph:

"(10) contain a description of the regulations and handling criteria established by the Secretary under the Hazardous Materials Transportation Act specifically applicable to the transportation of radioactive materials by railroad (as of June 30, 1975), together with annual projections of the amounts of radioactive materials reasonably expected to be transported by railroad during each fiscal year from 1976 through 1980 and an evaluation of the need for additional regulations and handling criteria applicable to the transportation of radioactive materials by railroad during each such fiscal year; and".

SEC. 3. Section 212 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 441) is amended to read as follows:

"SEC. 212. AUTHORIZATION FOR APPROPRIATIONS.

"(a) There are authorized to be appropriated to carry out the provisions of this title not to exceed \$35,000,000 for the fiscal year ending June 30, 1976; and not to exceed \$8,750,000 for the transition period of July 1, 1976, through September 30, 1976 (hereafter in this section referred to as the "transition period").

"(b) Except as otherwise provided in subsection (c) of this section amounts appropriated under subsection (a) of this section shall be available for expenditure as follows:

"(1) For the Office of Safety, including salaries and expenses for up to 500 safety inspectors and up to 110 clerical personnel, not to exceed \$18,000,000 for the fiscal year ending June 30, 1976; and not to exceed \$4,500,000 for the transition period.

"(2) To carry out the provisions of section 206(d) of this title, not to exceed \$3,500,000 for the fiscal year ending June 30, 1976; and not to exceed \$875,000 for the transition period.

"(3) For the Federal Railroad Administration, for salaries and expenses not otherwise provided for, not to exceed \$3,500,000 for the fiscal year ending June 30, 1976; and not to exceed \$875,000 for the transition period.

"(4) For conducting research and development activities under this title, not to exceed \$10,000,000 for the fiscal year ending June 30, 1976; and not to exceed \$2,500,000 for the transition period.

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“(c) The aggregate of the amounts obligated and expended for research and development under this title in the fiscal year ending June 30, 1976, and in the transition period, shall not exceed the aggregate of the amounts expended for rail inspection and for the investigation and enforcement of railroad safety rules, regulations, orders, and standards under this title in such fiscal year, and in the transition period, respectively.”

SEC. 4. Section 115 of the Hazardous Materials Transportation Act (49 U.S.C. 1812) is amended to read as follows:

“AUTHORIZATION FOR APPROPRIATIONS

“SEC. 115. There are authorized to be appropriated to carry out the provisions of this title not to exceed \$7,000,000 for the fiscal year ending June 30, 1976, and not to exceed \$1,750,000 for the transition period of July 1, 1976, through September 30, 1976.”

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

THE WHITE HOUSE

WASHINGTON

July 10, 1975

Dear Mr. Director:

The following bills were received at the White House on July 10th:

S.J. Res. 100 ✓

S. 1462 ✓

H.R. 7405 ✓

Please let the President have reports and recommendations as to the approval of these bills as soon as possible.

Sincerely,

Robert D. Linder
Chief Executive Clerk

The Honorable James T. Lynn
Director
Office of Management and Budget
Washington, D. C.