

115TH CONGRESS
2D SESSION

S. _____

To require State safety oversight agencies to conduct safety inspections of public transportation systems that provide rail fixed guideway public transportation and to direct the Secretary of Transportation to develop risk-based inspection guidance for such agencies, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. CRAPO (for himself, Mr. BROWN, and Ms. DUCKWORTH) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To require State safety oversight agencies to conduct safety inspections of public transportation systems that provide rail fixed guideway public transportation and to direct the Secretary of Transportation to develop risk-based inspection guidance for such agencies, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Transit Rail Inspection
5 Practices Act of 2018” or the “TRIP Act”.

1 **SEC. 2. PUBLIC TRANSPORTATION SAFETY INSPECTIONS.**

2 (a) IN GENERAL.—Section 5329 of title 49, United
3 States Code, is amended—

4 (1) in subsection (b)—

5 (A) in paragraph (2)—

6 (i) in subparagraph (D), by striking
7 “and” at the end;

8 (ii) in subparagraph (E), by striking
9 the period at the end and inserting “;
10 and”; and

11 (iii) by adding at the end the fol-
12 lowing:

13 “(F) consideration, where appropriate, of
14 performance-based and risk-based methodolo-
15 gies.”; and

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

17 “(3) PLAN UPDATES.—The Secretary shall up-
18 date the national public transportation safety plan
19 under paragraph (1) as necessary.”;

20 (2) in subsection (e), by adding at the end the
21 following:

22 “(11) EFFECTIVENESS OF ENFORCEMENT AU-
23 THORITIES AND PRACTICES.—The Secretary shall
24 develop and disseminate to State safety oversight
25 agencies the process and methodology that the Sec-
26 retary will use to monitor the effectiveness of the en-

1 enforcement authorities and practices of State safety
2 oversight agencies.”; and

3 (3) by adding at the end the following:

4 “(1) INSPECTIONS.—

5 “(1) INSPECTION ACCESS.—

6 “(A) IN GENERAL.—A State safety over-
7 sight program shall provide the State safety
8 oversight agency established by the program
9 with the authority and capability to enter the
10 facilities of each rail fixed guideway public
11 transportation system that the State safety
12 oversight agency oversees to inspect infrastruc-
13 ture, equipment, records, personnel, and data,
14 including the data that the rail fixed guideway
15 public transportation agency collects when iden-
16 tifying and evaluating safety risks.

17 “(B) POLICES AND PROCEDURES.—A
18 State safety oversight agency, in consultation
19 with each rail fixed guideway public transpor-
20 tation agency that the State safety oversight
21 agency oversees, shall establish policies and pro-
22 cedures regarding the access of the State safety
23 oversight agency to conduct inspections of the
24 rail fixed guideway public transportation sys-
25 tem, including access for inspections that occur

1 without advance notice to the rail fixed guide-
2 way public transportation agency.

3 “(2) DATA COLLECTION.—

4 “(A) IN GENERAL.—A rail fixed guideway
5 public transportation agency shall provide the
6 applicable State safety oversight agency with
7 the data that the rail fixed guideway public
8 transportation agency collects when identifying
9 and evaluating safety risks, in accordance with
10 subparagraph (B).

11 “(B) POLICIES AND PROCEDURES.—A
12 State safety oversight agency shall establish
13 policies and procedures for collecting data de-
14 scribed in subparagraph (A) from a rail fixed
15 guideway public transportation agency, includ-
16 ing with respect to frequency of collection, that
17 is commensurate with the size and complexity
18 of the rail fixed guideway public transportation
19 system.

20 “(3) INCORPORATION.—Policies and procedures
21 established under this subsection shall be incor-
22 porated into—

23 “(A) the State safety oversight program
24 standard adopted by a State safety oversight
25 agency under section 674.27 of title 49, Code of

1 Federal Regulations (or any successor regula-
2 tion); and

3 “(B) the public transportation agency safe-
4 ty plan established by a rail fixed guideway
5 public transportation agency under subsection
6 (d).

7 “(4) ASSESSMENT BY SECRETARY.—In assess-
8 ing the capability of a State safety oversight agency
9 to conduct inspections as required under paragraph
10 (1), the Secretary shall ensure that—

11 “(A) the inspection practices of the State
12 safety oversight agency are commensurate with
13 the number, size, and complexity of the rail
14 fixed guideway public transportation systems
15 that the State safety oversight agency oversees;

16 “(B) the inspection program of the State
17 safety oversight agency is risk-based; and

18 “(C) the State safety oversight agency has
19 sufficient resources to conduct the inspections.

20 “(5) SPECIAL DIRECTIVE.—The Secretary shall
21 issue a special directive to each State safety over-
22 sight agency on the development and implementation
23 of risk-based inspection programs under this sub-
24 section.

1 “(6) ENFORCEMENT.—The Secretary may use
2 any authority under this section, including any en-
3 forcement action authorized under subsection (g), to
4 ensure the compliance of a State safety oversight
5 agency or State safety oversight program with this
6 subsection.”.

7 (b) DEADLINE; EFFECTIVE DATE.—

8 (1) SPECIAL DIRECTIVE ON RISK-BASED IN-
9 SPECTION PROGRAMS.—Not later than 1 year after
10 the date of enactment of this Act, the Secretary of
11 Transportation shall issue each special directive re-
12 quired under section 5329(l)(5) of title 49, United
13 States Code, as added by subsection (a).

14 (2) INSPECTION REQUIREMENTS.—Section
15 5329(l) of title 49, United States Code, as added by
16 subsection (a), shall apply with respect to a State
17 safety oversight agency on and after the date that
18 is 2 years after the date on which the Secretary
19 issues the special directive to the State safety over-
20 sight agency under paragraph (5) of such section
21 5329(l).

22 (c) NO EFFECT ON INITIAL CERTIFICATION PROC-
23 ESS.—Nothing in this section or the amendments made
24 by this section shall be construed to affect the require-
25 ments for initial approval of a State safety oversight pro-

1 gram, including the initial deadline, under section
2 5329(e)(3) of title 49, United States Code, as in effect
3 on the day before the date of enactment of this Act.

4 **SEC. 3. FUNDING FOR STATE SAFETY OVERSIGHT PRO-**
5 **GRAM GRANTS.**

6 (a) **IN GENERAL.**—Section 5336(h)(4) of title 49,
7 United States Code, is amended by striking “0.5 percent”
8 and inserting “0.75 percent”.

9 (b) **APPLICABILITY.**—The amendment made by sub-
10 section (a) shall apply with respect to fiscal year 2020 and
11 each fiscal year thereafter.