

118TH CONGRESS  
1ST SESSION

# H. R. 1347

To amend title 49, United States Code, to limit railroad carriers from blocking railway-highway crossings, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 3, 2023

Ms. GARCIA of Texas (for herself, Mr. PAYNE, Mrs. NAPOLITANO, Ms. SEWELL, and Ms. KAPTUR) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To amend title 49, United States Code, to limit railroad carriers from blocking railway-highway crossings, 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 “Don’t BLock Our  
5 Communities Act” or the “D-BLOC Act”.

1 **SEC. 2. ESTABLISHMENT OF 10-MINUTE TIME LIMIT FOR**  
2 **BLOCKING PUBLIC HIGHWAY-RAIL GRADE**  
3 **CROSSINGS.**

4 (a) IN GENERAL.—Subchapter II of chapter 201 of  
5 title 49, United States Code, as amended by this division,  
6 is further amended by adding at the end the following:

7 **“§ 20172. Time limit for blocking public highway-rail**  
8 **grade crossing**

9 “(a) TIME LIMIT.—A railroad carrier may not cause  
10 a blocked crossing incident that is longer than 10 minutes  
11 in duration, unless the blocked crossing incident is caused  
12 by—

13 “(1) a casualty or serious injury;

14 “(2) an accident;

15 “(3) a track obstruction;

16 “(4) actions necessary to comply with Federal  
17 rail safety laws, regulations, or orders issued there-  
18 under unless the action to comply could reasonably  
19 occur at a different time or location;

20 “(5) actions necessary to adhere to section  
21 24308;

22 “(6) a train fully contained within rail yard lim-  
23 its or fully contained in a rail siding;

24 “(7) an act of God; or

25 “(8) a derailment or a safety appliance equip-  
26 ment failure that prevents the train from advancing.

1       “(b) INVESTIGATION OF FREQUENTLY BLOCKED  
2 CROSSINGS.—For any public highway-rail grade crossing  
3 that has had 3 or more blocked crossing incidents that  
4 exceed the time limit set forth in subsection (a) and are  
5 reported to the blocked crossing database, and such inci-  
6 dents have occurred on at least 3 calendar days within  
7 a 30-day period, the Secretary shall—

8               “(1) provide an electronic notice of the number  
9 of reported blocked crossing incidents to the railroad  
10 carrier that owns the public highway-rail grade  
11 crossing;

12               “(2) investigate the causes of the blocked cross-  
13 ing incidents; and

14               “(3) investigate possible measures to reduce the  
15 frequency and duration of blocked crossing incidents  
16 at such grade crossing.

17       “(c) RECORDKEEPING.—

18               “(1) IN GENERAL.—A railroad carrier shall,  
19 upon receiving a notice under subsection (b), main-  
20 tain train location data records for the public high-  
21 way-rail grade crossing that was the subject of the  
22 notice.

23               “(2) CONTENTS OF RECORDS.—The train loca-  
24 tion data records required under paragraph (1) shall  
25 include—

1           “(A) a list of all blocked crossing incidents  
2           at the public highway-rail grade crossing that is  
3           the subject of the report exceeding 10 minutes;

4           “(B) the cause of the blocked crossing inci-  
5           dent (to the extent available);

6           “(C) train length; and

7           “(D) the estimated duration of each  
8           blocked crossing incident.

9           “(3) CONSULTATION.—Beginning on the date  
10          on which a railroad carrier receives a notice under  
11          subsection (b), the Secretary may consult with the  
12          carrier for a period of 60 days to address concerns  
13          with blocked crossing incidents at the public high-  
14          way-rail grade crossing that is the subject of the no-  
15          tice.

16          “(4) EXPIRATION OF DATA COLLECTION.—The  
17          requirement to maintain records under paragraph  
18          (1) shall cease with respect to a public highway-rail  
19          grade crossing noticed under subsection (b)(2) if  
20          there are no reports submitted to the blocked cross-  
21          ing database for blocked crossing incidents reported  
22          to occur at such grade crossing during the previous  
23          365 consecutive calendar days.

24          “(d) CIVIL PENALTIES.—

1           “(1) IN GENERAL.—The Secretary may issue  
2 civil penalties in accordance with section 21301 to  
3 railroad carriers for violations of subsection (a) oc-  
4 ccurring 60 days after the date of submission of a no-  
5 tice under subsection (b).

6           “(2) RELEASE OF RECORDS.—Upon the request  
7 of, and under requirements set by, the Secretary,  
8 railroad carriers shall provide the records main-  
9 tained pursuant to subsection (c)(1) to the Adminis-  
10 trator of the Federal Railroad Administration.

11           “(3) ALTERNATE ROUTE EXEMPTION.—Civil  
12 penalties may not be issued for violations of sub-  
13 section (a) that occur at a public highway-rail grade  
14 crossing if no alternate route created by a public  
15 highway-rail grade separation exists within a half  
16 mile by road of such public highway-rail grade cross-  
17 ing.

18           “(4) GRADE SEPARATION PROJECT.—Civil pen-  
19 alties may not be issued for violations of subsection  
20 (a) if the violation occurs at a public highway-rail  
21 grade crossing for which there is a proposed grade  
22 separation project—

23                   “(A) that has received written agreement  
24                   from the relevant local authorities; and

1           “(B) for which rail carrier and project  
2           funding from all parties has been budgeted.

3           “(5) CONSIDERATIONS.—In determining civil  
4           penalties under this section, the Secretary shall con-  
5           sider increased penalties in a case in which a pattern  
6           of the blocked crossing incidents continue to cause  
7           delays to State or local emergency services.

8           “(e) APPLICATION TO AMTRAK AND COMMUTER  
9           RAILROADS.—This section shall not apply to Amtrak or  
10          commuter authorities, including Amtrak and commuter  
11          authorities’ operations run or dispatched by a Class I rail-  
12          road.

13          “(f) DEFINITIONS.—In this section:

14               “(1) BLOCKED CROSSING DATABASE.—The  
15               term ‘blocked crossing database’ means the national  
16               blocked crossing database established under section  
17               20173.

18               “(2) BLOCKED CROSSING INCIDENT.—The term  
19               ‘blocked crossing incident’ means a circumstance in  
20               which a train, locomotive, rail car, or other rail  
21               equipment is stopped in a manner that obstructs  
22               travel at a public highway-rail grade crossing.

23               “(3) PUBLIC HIGHWAY-RAIL GRADE CROSS-  
24               ING.—The term ‘public highway-rail grade crossing’  
25               means a location within a State in which a public

1 highway, road, or street, including associated side-  
2 walks and pathways, crosses 1 or more railroad  
3 tracks at grade.”.

4 (b) CLERICAL AMENDMENT.—The analysis for sub-  
5 chapter II of chapter 201 of title 49, United States Code,  
6 is further amended by adding at the end the following new  
7 item:

“20172. Time limit for blocking public highway-rail grade crossing.”.

8 **SEC. 3. BLOCKED CROSSING PORTAL.**

9 (a) BLOCKED CROSSING PORTAL.—Section 22404 of  
10 the Infrastructure Investment and Jobs Act (49 U.S.C.  
11 22907 note) is amended—

12 (1) in subsection (a) by striking “3-year”;

13 (2) by striking subsection (h);

14 (3) by redesignating subsection (i) as subsection  
15 (h); and

16 (4) by striking subsections (j) and (k) and in-  
17 serting the following:

18 “(i) RULE OF CONSTRUCTION.—Nothing in this sec-  
19 tion may be construed to invalidate any authority of the  
20 Secretary with respect to blocked highway-rail grade  
21 crossings.”.

22 (b) PUBLICATION OF BLOCKED CROSSING INFORMA-  
23 TION.—Not later than 60 days after the date of enactment  
24 of the D-BLOC Act, each Class I railroad carrier shall  
25 publish on the home page of the publicly-available website

1 of the railroad carrier an active link to the blocked cross-  
2 ing portal required by section 22404 of the Infrastructure  
3 Investment and Jobs Act (49 U.S.C. 22907 note).

4 **SEC. 4. RAILROAD POINT OF CONTACT FOR BLOCKED**  
5 **CROSSING MATTERS.**

6 Section 20152 of title 49, United States Code, is  
7 amended—

8 (1) in subsection (a)—

9 (A) in paragraph (1)—

10 (i) in subparagraph (C) by striking  
11 “or” at the end;

12 (ii) by redesignating subparagraph  
13 (D) as subparagraph (E); and

14 (iii) by inserting the following after  
15 subparagraph (C):

16 “(D) blocked crossing incident, as defined  
17 in section 20172; or”;

18 (B) in paragraph (4)—

19 (i) by striking “paragraph (1)(C) or  
20 (D)” and inserting “subparagraph (C),  
21 (D), or (E) of paragraph (1)”; and

22 (ii) by striking “and” at the end;

23 (C) in paragraph (5) by striking the period  
24 at the end and inserting a semicolon; and

25 (D) by adding at the end the following:



1           “(6) upon receiving a report of a blocked cross-  
2           ing pursuant to paragraph (1)(D), the railroad car-  
3           rier shall, within 14 days of receipt of the report—

4                   “(A) verify that the public highway-rail  
5                   grade crossing, as defined in section 20172, was  
6                   blocked for a period of at least 10 minutes; and

7                   “(B) upon positive verification of the re-  
8                   port, enter the report into the national blocked  
9                   crossings database established in section 20173;  
10                  and

11                  “(7) promptly inform the Secretary of any up-  
12                  date to the number maintained under paragraph  
13                  (1).”; and

14                  (2) by adding at the end the following:

15                  “(c) PUBLICATION OF TELEPHONE NUMBERS.—The  
16                  Secretary shall make any telephone number established  
17                  under subsection (a) publicly available on the website of  
18                  the Department of Transportation.”.

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