

114TH CONGRESS
1ST SESSION

H. R. 3773

To amend title 49, United States Code, relating to the authority of the Secretary of Transportation under the public transportation safety program.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2015

Ms. NORTON (for herself, Ms. EDWARDS, and Mrs. COMSTOCK) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 49, United States Code, relating to the authority of the Secretary of Transportation under the public transportation safety program.

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 “Protect Riders of Met-
5 rorail Public Transportation Act of 2015”.

6 **SEC. 2. FEDERAL SAFETY MANAGEMENT.**

7 Section 5329(f) of title 49, United States Code, is
8 amended to read as follows:

9 “(f) **AUTHORITY OF SECRETARY.**—

1 “(1) IN GENERAL.—In carrying out this sec-
2 tion, the Secretary may—

3 “(A) conduct inspections, investigations,
4 audits, examinations, and testing of the equip-
5 ment, facilities, rolling stock, and operations of
6 the public transportation system of a recipient;

7 “(B) make reports and issue directives
8 with respect to the safety of the public trans-
9 portation system of a recipient;

10 “(C) in conjunction with an accident inves-
11 tigation or an investigation into a pattern or
12 practice of conduct that negatively affects pub-
13 lic safety, issue a subpoena to, and take the
14 deposition of, any employee of a recipient or a
15 State safety oversight agency, if—

16 “(i) before the issuance of the sub-
17 poena, the Secretary requests a determina-
18 tion by the Attorney General of the United
19 States as to whether the subpoena will
20 interfere with an ongoing criminal inves-
21 tigation; and

22 “(ii) the Attorney General—

23 “(I) determines that the sub-
24 poena will not interfere with an ongo-
25 ing criminal investigation; or

1 “(II) fails to make a determina-
2 tion under clause (i) before the date
3 that is 30 days after the date on
4 which the Secretary makes a request
5 under subparagraph (A);

6 “(D) require the production of documents
7 by, and prescribe recordkeeping and reporting
8 requirements for, a recipient or a State safety
9 oversight agency;

10 “(E) investigate public transportation acci-
11 dents and incidents and provide guidance to re-
12 cipients regarding prevention of accidents and
13 incidents;

14 “(F) at reasonable times and in a reason-
15 able manner, enter and inspect equipment, fa-
16 cilities, rolling stock, operations, and relevant
17 records of the public transportation system of a
18 recipient; and

19 “(G) issue rules to carry out this section.

20 “(2) ADDITIONAL AUTHORITY.—

21 “(A) If the Secretary finds that a State
22 safety oversight agency that oversees a rail
23 fixed guideway system operating in more than
24 2 States has become incapable of providing ade-
25 quate safety oversight of such system, the Sec-

1 retary may administer State safety oversight
2 activities for such rail fixed guideway system
3 until the States develop a State safety oversight
4 program certified by the Secretary in accord-
5 ance with subsection (e) of this section.

6 “(B) To carry out administrative and over-
7 sight activities authorized by this paragraph,
8 the Secretary may use—

9 “(i) grant funds apportioned to an eli-
10 gible State under subsection (e)(6) to de-
11 velop or carry out a State safety oversight
12 program; and

13 “(ii) grant funds apportioned to an eli-
14 gible State under subsection (e)(6) that
15 have not been obligated within the admin-
16 istrative period of availability.”.

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