

118TH CONGRESS
2D SESSION

S. 4954

To require the Secretary of Transportation to issue a final rule setting minimum structural standards for railroad bridges, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2024

Mr. CASEY introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Secretary of Transportation to issue a final rule setting minimum structural standards for railroad bridges, 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 “Rail Bridge Safety and
5 Transparency Act”.

6 **SEC. 2. RAILROAD BRIDGE SAFETY.**

7 (a) IN GENERAL.—Section 20145 of title 49, United
8 States Code is amended to read as follows:

9 “§ 20145. **Railroad bridge safety**

10 “(a) DEFINITIONS.—In this section:

1 “(1) CLASS I RAILROAD; CLASS II RAILROAD;
2 CLASS III RAILROAD; RAILROAD; RAILROAD CAR-
3 RIER.—The terms ‘Class I railroad’, ‘Class II rail-
4 road’, ‘Class III railroad’, ‘railroad’, and ‘railroad
5 carrier’—

6 “(A) except as provided in subparagraph
7 (B), have the meanings given such terms in sec-
8 tion 20102; and

9 “(B) do not include—

10 “(i) the National Railroad Passenger
11 Corporation (commonly referred to as ‘Am-
12 trak’); or

13 “(ii) rail carriers that have the prin-
14 cipal purpose of providing commuter rail
15 passenger transportation (as defined in
16 section 24102).

17 “(2) COMPONENT PART.—The term ‘component
18 part’, with respect to a railroad bridge, includes the
19 substructure, superstructure, deck, bearings, rail-
20 ings, joints, and the rails on the track of such
21 bridge.

22 “(3) DEPARTMENT.—The term ‘Department’
23 means the Department of Transportation.

24 “(4) ELIGIBLE REQUESTING PARTY.—The term
25 ‘eligible requesting party’ means a party authorized

1 to request a bridge inspection report in accordance
2 with section 417(d)(2)(A) of the Rail Safety Im-
3 provement Act of 2008 (49 U.S.C. 20103 note).

4 “(5) SECRETARY.—The term ‘Secretary’ means
5 the Secretary of Transportation.

6 “(b) STRENGTHENING STANDARDS FOR RAILROAD
7 BRIDGES.—

8 “(1) RULEMAKING.—Not later than 2 years
9 after the date of the enactment of the Rail Bridge
10 Safety and Transparency Act, the Secretary, using
11 other standards within the Department as models,
12 shall issue a final rule establishing minimum struc-
13 tural and safety standards for railroad bridges and
14 their component parts, including—

15 “(A) minimum requirements for a railroad
16 bridge and its component parts to be classified
17 in poor, fair, or good condition; and

18 “(B) the amount of corrosion, cracking,
19 spalling, and rusting permissible for each such
20 condition.

21 “(2) BRIDGE INSPECTION REPORTS.—

22 “(A) INCLUSION OF CERTAIN INFORMA-
23 TION.—Not later than 2 years after the initial
24 publication of the standards described in para-
25 graph (1), all railroads carriers shall—

1 “(i) include information in their
2 bridge inspection reports indicating wheth-
3 er each bridge for which such railroad car-
4 rier is responsible—

5 “(I) meets minimum structural
6 and safety standards;

7 “(II) is in poor, fair, or good con-
8 dition; and

9 “(III) has component parts in
10 poor, fair, or good condition; and

11 “(ii) for each bridge in poor condition,
12 include—

13 “(I) an estimate of how long the
14 bridge can remain in service;

15 “(II) a timeline for planned re-
16 pairs, rehabilitation, or replacement of
17 the bridge; and

18 “(III) an estimate of the cost to
19 perform such actions.

20 “(B) BRIDGE INSPECTION REPORT DATA-
21 BASE.—

22 “(i) IN GENERAL.—Not later than 5
23 years after the date of the enactment of
24 the Rail Bridge Safety and Transparency
25 Act, the Secretary shall develop, populate,

1 and manage a database of all bridge in-
2 spection reports received from railroad car-
3 riers, which shall be continuously updated
4 with the most recent bridge conditions as
5 indicated in bridge inspection reports pro-
6 vided to the Department.

7 “(ii) PUBLIC AVAILABILITY.—The
8 Secretary shall make available to the pub-
9 lic a version of the database described in
10 clause (i) that includes for each bridge in-
11 spection report only the following informa-
12 tion:

13 “(I) The date of last inspection
14 of the bridge.

15 “(II) The location of the bridge.

16 “(III) The owner of the bridge.

17 “(IV) A determination of whether
18 the bridge is in poor, fair, or good
19 condition.

20 “(V) Any other comments on the
21 condition of the bridge disclosed by
22 the owner, as indicated in the bridge
23 inspection report.

24 “(C) SUBMISSION DEADLINES.—

1 “(i) INITIAL REPORTS.—During the
2 period beginning on the date of the enact-
3 ment of the Rail Bridge Safety and Trans-
4 parency Act and ending on the date on
5 which the database required under sub-
6 paragraph (B) is first established—

7 “(I) not later than 30 days after
8 the receipt of a bridge inspection re-
9 port request from an eligible request-
10 ing party, the Secretary shall request
11 a bridge inspection report from the
12 railroad carrier concerned, and—

13 “(aa) if the request is for 5
14 or fewer railroad bridges, the
15 railroad carrier concerned shall,
16 not later than 30 days after the
17 receipt of such request from the
18 Secretary, submit the bridge in-
19 spection report to the Depart-
20 ment; or

21 “(bb) if the request is be-
22 tween 6 and 50 railroad bridges,
23 the railroad carrier concerned
24 shall, not later than 90 days
25 after the receipt of such request

1 from the Secretary, submit the
2 bridge inspection report to the
3 Department; and

4 “(II) not later than 14 days after
5 the receipt of a bridge inspection re-
6 port submitted in accordance with
7 item (aa) or (bb) of subclause (I), the
8 Secretary shall submit such bridge in-
9 spection report to the eligible request-
10 ing party.

11 “(ii) FUTURE REPORTS.—After the
12 date on which the database required under
13 subparagraph (B) is first established, the
14 Secretary shall—

15 “(I) not later than 30 days after
16 the receipt of a bridge inspection re-
17 port request from an eligible request-
18 ing party—

19 “(aa) if the requested bridge
20 inspection report is available in
21 the database, submit such report
22 to the eligible requesting party;
23 and

24 “(bb) if the requested infor-
25 mation is not available in the

1 database, request a bridge in-
2 spection report from the railroad
3 carrier concerned, and—

4 “(AA) if the request is
5 for 5 or fewer railroad
6 bridges, the railroad carrier
7 concerned shall, not later
8 than 30 days after the re-
9 ceipt of such request from
10 the Secretary, submit the
11 bridge inspection report to
12 the Department; or

13 “(BB) if the request is
14 between 6 and 50 railroad
15 bridges, the railroad carrier
16 concerned shall, not later
17 than 90 days after the re-
18 ceipt of such request from
19 the Secretary, submit the
20 bridge inspection report to
21 the Department; and

22 “(II) not later than 14 days after
23 the receipt of a bridge inspection re-
24 port submitted by a railroad carrier in
25 accordance with subitem (AA) or

1 (BB) of item (bb), submit such bridge
2 inspection report to the eligible re-
3 questing party.

4 “(c) COORDINATION OF OVERSIGHT OF COASTAL
5 RAILROAD BRIDGES.—The Secretary, in coordination
6 with the Commandant of the Coast Guard, shall issue a
7 final rule establishing minimum structural and safety
8 standards for movable railroad bridges and railroad draw-
9 bridges spanning the navigable waters of the United
10 States, including—

11 “(1) the minimum structural and safety re-
12 quirements for each such bridge and its component
13 parts, including movable parts;

14 “(2) the requirements that each such bridge
15 and its component parts shall meet in order to be
16 considered to be in poor, fair, or good condition;

17 “(3) the requirement that each such bridge be
18 inspected at the same frequency as railroad bridges
19 that are not located above navigable waters; and

20 “(4) requirements for safety inspections that
21 are required if a railroad carrier shifts from in-per-
22 son to remote operation of such a bridge.

23 “(d) FLAGGING OWNERSHIP OF RAILROAD
24 BRIDGES.—Not later than 1 year after the date of the
25 enactment of the Rail Bridge Safety and Transparency

1 Act, each railroad carrier that owns 1 or more railroad
2 bridges shall post a placard or sign in area that is visible
3 to oncoming traffic on (or adjacent to) both ends of each
4 such bridge that identifies—

5 “(1) the railroad carrier that owns the bridge;
6 and

7 “(2) a phone number through which a member
8 of the public can report visible hazards or concerns
9 with respect to such bridge.

10 “(e) RAIL BRIDGE SAFETY CONCERN REPORTING
11 SYSTEM.—

12 “(1) ESTABLISHMENT.—Not later than 2 years
13 after the date of the enactment of the Rail Bridge
14 Safety and Transparency Act, the Secretary shall es-
15 tablish a system, to be known as the Rail Bridge
16 Safety Concern Reporting System (referred to in
17 this subsection as the ‘System’), to report safety
18 concerns regarding the condition of railroad bridges.

19 “(2) DEVELOPMENT.—In developing the Sys-
20 tem, the Secretary shall—

21 “(A) streamline and simplify the data
22 management process within the Department;
23 and

24 “(B) reduce duplicative efforts and maxi-
25 mize available resources, including by inte-

1 grating the Alleged Violation Reporting Form
2 of the Federal Railroad Administration into the
3 System.

4 “(3) SYSTEM FUNCTIONS.—

5 “(A) REPORTING SAFETY CONCERNS.—

6 The Secretary shall use the System to permit
7 any State, political subdivision of a State, or
8 Tribe to report to the Secretary safety concerns
9 regarding the condition of a railroad bridge
10 based on certain factors, including—

11 “(i) physical appearance;

12 “(ii) extreme shaking or excess move-
13 ment during the passage of a train or an
14 extreme weather event;

15 “(iii) components of the railroad
16 bridge falling onto surrounding areas; and

17 “(iv) any other concern that the Sec-
18 retary determines to be significant to the
19 structural or operational safety of the
20 bridge.

21 “(B) INVESTIGATIONS.—If the Secretary
22 determines a report submitted pursuant to sub-
23 paragraph (A) includes a reasonable safety con-
24 cern regarding the structural or operational
25 safety of a bridge, the Secretary shall inves-

1 tigate such safety concern to determine the risk
2 posed by the railroad bridge to—

3 “(i) the operation of the railroad con-
4 cerned;

5 “(ii) the safety of railroad workers;

6 “(iii) the safety the general public;

7 and

8 “(iv) the safety of individuals who tra-
9 verse on, under, or near the railroad
10 bridge, including pedestrians, cyclists, and
11 individuals traveling by motor vehicle or
12 boat.

13 “(C) REPAIR OR SUSPENSION OF USE.—If
14 the Secretary determines that a safety concern
15 investigated pursuant to subparagraph (B)
16 poses a significant threat to the structural or
17 operational safety of the bridge or the safety of
18 any of the parties described in clauses (i)
19 through (iv) of subparagraph (B), the Secretary
20 shall direct the Administrator of the Federal
21 Railroad Administration to coordinate with the
22 railroad concerned to establish a plan that ad-
23 dresses the safety concern, which may include—

24 “(i) requiring the immediate repair of
25 the railroad bridge;

1 “(ii) imposing weight or speed restric-
2 tions on the bridge; and

3 “(iii) any action required by the Sec-
4 retary pursuant to section 20104(a) if the
5 Secretary determines that such safety con-
6 cern—

7 “(I) involves an unsafe condition
8 or practice or a combination of unsafe
9 conditions and practices; or

10 “(II) causes an emergency situa-
11 tion involving an imminent hazard of
12 death, personal injury, or significant
13 harm to the environment.

14 “(D) CIVIL PENALTIES.—

15 “(i) FAILURE TO FINALIZE PLAN.—If
16 a plan required under subparagraph (C) is
17 not finalized within 90 days after a deter-
18 mination by the Secretary pursuant to
19 such subparagraph and the relevant rail-
20 road bridge remains in operation, the Sec-
21 retary shall impose a civil penalty to the
22 railroad concerned in an amount equal to
23 \$1,000 per week until such plan is final-
24 ized.

1 “(ii) COMPLETION OF REPAIRS.—If a
2 safety concern determined by the Secretary
3 pursuant to subparagraph (C)(iii)(II) to
4 pose an imminent hazard of death, per-
5 sonal injury, or significant harm to the en-
6 vironment is not repaired within 1 year
7 after such determination and the relevant
8 railroad bridge remains in operation, the
9 Secretary shall impose a civil penalty to
10 the railroad concerned in an amount equal
11 to \$20,000 per week until such bridge is
12 repaired.

13 “(4) DISCLOSURE OF REPORTED SAFETY CON-
14 CERNS.—The Secretary shall publish, on a publicly
15 available website of the Department of Transpor-
16 tation, a notice of each safety concern involving a
17 railroad bridge that the Secretary determines, pursu-
18 ant to paragraph (3)(C)(iii)(II) to pose an imminent
19 hazard of death, personal injury, or significant harm
20 to the environment, which shall include—

21 “(A) the location of the bridge;

22 “(B) the owner of the bridge;

23 “(C) whether the bridge is in active use;

24 and

1 “(D) whether the railroad that owns the
2 bridge has submitted a plan to address such
3 safety concern.

4 “(5) FUNDS FOR BRIDGE SAFETY PER-
5 SONNEL.—

6 “(A) AUTHORIZATION OF APPROPRIA-
7 TIONS.—In addition to the amounts referred to
8 in subparagraph (B), there are authorized to be
9 appropriated to the Department such additional
10 sums as may be necessary to hire additional
11 bridge safety personnel to carry out this sub-
12 section.

13 “(B) USE OF CIVIL PENALTIES.—All
14 amounts collected from the civil penalties im-
15 posed pursuant to paragraph (3)(D) and sec-
16 tion 1327(c) shall be reserved for hiring addi-
17 tional bridge safety personnel to carry out this
18 section.

19 “(f) RANDOMIZED OBSERVATION OF RAILROAD
20 BRIDGES.—

21 “(1) IN GENERAL.—

22 “(A) NUMBER OF ANNUAL OBSERVA-
23 TIONS.—The Secretary shall annually conduct
24 at least 1 randomized bridge observation for

1 every 500 railroad bridges owned by a railroad
2 carrier.

3 “(B) APPLICATION OF STANDARDS.—For
4 each observation conducted pursuant to this
5 subsection, the Secretary shall inspect the con-
6 dition of each bridge and its component parts
7 in accordance with the standards established
8 pursuant to subsection (c)(1).

9 “(C) SMALL RAILROAD OBSERVATION
10 POOL.—If a railroad carrier owns fewer than
11 500 railroad bridges, such railroad carrier shall
12 be included in a pool of railroad carriers. Not
13 fewer than 5 railroad carriers in such pool shall
14 be selected annually for a randomized observa-
15 tion of at least 1 railroad bridge owned by each
16 selected railroad carrier.

17 “(D) ADVANCE NOTICE.—In carrying out
18 randomized bridge observations under this sec-
19 tion, the Secretary shall not give a railroad car-
20 rier more than 3 days of advance notice of the
21 timing of an observation.

22 “(2) REVIEW.—

23 “(A) IN GENERAL.—The Secretary shall
24 compare the result of each bridge observation to
25 the reported conditions of the applicable bridge

1 in the bridge inspection report provided by the
2 railroad carrier.

3 “(B) DISCREPANCIES.—In the event of a
4 discrepancy between the result of a bridge ob-
5 servation and the conditions of such railroad
6 bridge documented in the most recent bridge in-
7 spection report, the Secretary shall work with
8 the railroad carrier concerned to address defi-
9 ciencies in the inspection system of such rail-
10 road carrier, including by—

11 “(i) improving the training of inspec-
12 tors;

13 “(ii) increasing the frequency of in-
14 spections;

15 “(iii) addressing inspector staffing
16 shortages; and

17 “(iv) revising inspection criteria.

18 “(C) ADDITIONAL INSPECTIONS.—For rail-
19 road carriers that the Secretary has found to
20 have a pattern of discrepancies under subpara-
21 graph (D), the Secretary shall—

22 “(i) increase the number of random-
23 ized observations from the baseline set in
24 paragraph (1);

1 “(ii) establish a priority list of rail-
2 road bridges to be subject to additional ob-
3 servations, based on factors such as the
4 condition of the bridge, the bridge length,
5 the location of the bridge, the safety risk
6 to the community should the bridge fail,
7 the type of freight carried over the bridge,
8 and the frequency of service over the
9 bridge;

10 “(iii) carry out such additional obser-
11 vations with not more than 3 days of ad-
12 vance notice provided to the railroad car-
13 rier; and

14 “(iv) ensure that such additional ob-
15 servations examine the condition of the
16 bridge and are additive to, not a replace-
17 ment of, the normal track inspections, in-
18 cluding visual track inspections, required
19 by the Department.

20 “(D) PATTERN OF DISCREPANCIES.—

21 “(i) DEFINED TERM.—In this sub-
22 paragraph, the term ‘pattern of discrep-
23 ancies’, with respect to a railroad carrier—

24 “(I) means the Secretary has
25 identified 5 or more instances in

1 which conditions reported on the
2 bridge inspection report of such rail-
3 road carrier differed from the results
4 of an observation conducted by the
5 Secretary pursuant to this subsection;
6 and

7 “(II) does not include sudden
8 changes in the condition of a railroad
9 bridge due to a significant event, such
10 as an earthquake or other natural dis-
11 aster.

12 “(ii) EFFECT.—If the Secretary iden-
13 tifies, through randomized observations of
14 railroad bridges of a railroad carrier, a
15 pattern of discrepancies between the rail-
16 road carrier’s bridge inspection report and
17 multiple observations—

18 “(I) such railroad carrier—

19 “(aa) shall be considered to
20 be in violation of this chapter;
21 and

22 “(bb) shall be subject to the
23 civil penalties set forth in section
24 21301; and

1 “(II) not later than 90 days after
2 such identification, the Secretary shall
3 submit a written report to Congress
4 that describes such discrepancies.”.

5 (b) CLERICAL AMENDMENT.—The chapter analysis
6 for chapter 201 of title 49, United States Code, is amend-
7 ed by striking the item relating to section 20145 and in-
8 serting the following:

“20145. Railroad bridge safety.”.

9 **SEC. 3. CONFORMING AMENDMENTS TO THE RAIL SAFETY**
10 **IMPROVEMENT ACT OF 2008.**

11 Section 417(d)(2) of the Rail Safety Improvement
12 Act of 2008 (49 U.S.C. 20103 note) is amended—

13 (1) by striking subparagraph (A) and inserting
14 the following:

15 “(A) IN GENERAL.—

16 “(i) JURISDICTIONAL REQUESTS.—A
17 Member of Congress, a State, or political
18 subdivision of a State may file a request
19 with the Secretary for a public version of
20 the bridge inspection report or reports gen-
21 erated under subsection (b)(5) for bridges
22 located in the congressional district or
23 State of such Member of Congress or in
24 the jurisdiction of such State or political
25 subdivision.

1 “(ii) REQUESTS FROM COMMIT-
2 TEES.—The Chair or Ranking Member of
3 the Committee on Transportation and In-
4 frastructure of the House of Representa-
5 tives or the Chair or Ranking Member of
6 Committee on Commerce, Science, and
7 Transportation of the Senate may file a re-
8 quest with the Secretary for a public
9 version of the bridge inspection report or
10 reports generated under subsection (b)(5)
11 for any bridge in the United States;”.

12 (2) by redesignating subparagraphs (B), (C),
13 and (D) as subparagraphs (C), (D), and (E), respec-
14 tively;

15 (3) by inserting after subparagraph (A) the fol-
16 lowing:

17 “(B) LIMITATION.—A State or political
18 subdivision of a State may request not more
19 than 50 bridge inspection reports under sub-
20 paragraph (A)(i) during any 6-month period.”;
21 and

22 (4) in subparagraph (C), as redesignated, by
23 striking “If the Secretary determines that the re-

- 1 quest is reasonable, the Secretary” and inserting
- 2 “The Secretary”.

○