

115TH CONGRESS
2D SESSION

S. 3139

AN ACT

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,*

1 **SECTION 1. SHORT TITLE.**

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

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

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

7 (1) in subsection (b)—

8 (A) in paragraph (2)—

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

11 (ii) in subparagraph (E), by striking
12 the period at the end and inserting “;
13 and”; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(F) consideration, where appropriate, of
17 performance-based and risk-based methodolo-
18 gies.”; and

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

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

23 (2) in subsection (e), by adding at the end the
24 following:

25 “(11) EFFECTIVENESS OF ENFORCEMENT AU-
26 THORITIES AND PRACTICES.—The Secretary shall

1 develop and disseminate to State safety oversight
2 agencies the process and methodology that the Sec-
3 retary will use to monitor the effectiveness of the en-
4 forcement authorities and practices of State safety
5 oversight agencies.”; and

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

7 “(l) INSPECTIONS.—

8 “(1) INSPECTION ACCESS.—

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

20 “(B) POLICES AND PROCEDURES.—A
21 State safety oversight agency, in consultation
22 with each rail fixed guideway public transpor-
23 tation agency that the State safety oversight
24 agency oversees, shall establish policies and pro-
25 cedures regarding the access of the State safety

oversight agency to conduct inspections of the rail fixed guideway public transportation system, including access for inspections that occur without advance notice to the rail fixed guideway public transportation agency.

“(2) DATA COLLECTION.—

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

“(B) POLICIES AND PROCEDURES.—A State safety oversight agency shall establish policies and procedures for collecting data described in subparagraph (A) from a rail fixed guideway public transportation agency, including with respect to frequency of collection, that is commensurate with the size and complexity of the rail fixed guideway public transportation system.

“(3) INCORPORATION.—Policies and procedures established under this subsection shall be incorporated into—

1 “(A) the State safety oversight program
2 standard adopted by a State safety oversight
3 agency under section 674.27 of title 49, Code of
4 Federal Regulations (or any successor regula-
5 tion); and

6 “(B) the public transportation agency safe-
7 ty plan established by a rail fixed guideway
8 public transportation agency under subsection
9 (d).

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

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

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

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

23 “(5) SPECIAL DIRECTIVE.—The Secretary shall
24 issue a special directive to each State safety over-
25 sight agency on the development and implementation

1 of risk-based inspection programs under this sub-
2 section.

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

9 (b) DEADLINE; EFFECTIVE DATE.—

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

16 (2) INSPECTION REQUIREMENTS.—Section
17 5329(l) of title 49, United States Code, as added by
18 subsection (a), shall apply with respect to a State
19 safety oversight agency on and after the date that
20 is 2 years after the date on which the Secretary
21 issues the special directive to the State safety over-
22 sight agency under paragraph (5) of such section
23 5329(l).

24 (c) NO EFFECT ON INITIAL CERTIFICATION PROC-
25 ESS.—Nothing in this section or the amendments made

1 by this section shall be construed to affect the require-
2 ments for initial approval of a State safety oversight pro-
3 gram, including the initial deadline, under section
4 5329(e)(3) of title 49, United States Code, as in effect
5 on the day before the date of enactment of this Act.

6 **SEC. 3. FUNDING FOR STATE SAFETY OVERSIGHT PRO-**
7 **GRAM GRANTS.**

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

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

Passed the Senate September 25, 2018.

Attest:

Secretary.

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