

117TH CONGRESS
1ST SESSION

H. R. 3698

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

IN THE HOUSE OF REPRESENTATIVES

JUNE 4, 2021

Mr. COOPER (for himself and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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 **“§ 20169. 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 curring 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 20170.

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:

“20169. Time limit for blocking public highway-rail grade crossing.”.

8 **SEC. 3. NATIONAL BLOCKED CROSSING DATABASE.**

9 (a) IN GENERAL.—Subchapter II of chapter 201 of
 10 title 49, United States Code, is further amended by adding
 11 at the end the following:

12 **“§ 20170. National blocked crossing database**

13 “(a) DATABASE.—Not later than 45 days after the
 14 date of enactment of the D-BLOC Act, the Secretary of
 15 Transportation shall establish a national blocked crossings
 16 database for the public to report blocked crossing inci-
 17 dents.

18 “(b) PUBLIC AWARENESS.—Not later than 60 days
 19 after the date of enactment of the D-BLOC Act, the Sec-
 20 retary shall require each railroad carrier to publish the
 21 active link to report blocked crossing incidents on the
 22 website of the national blocked crossings database de-
 23 scribed in subsection (a) on the home page of the publicly-
 24 available website of the railroad carrier.

1 “(c) **BLOCKED CROSSING INCIDENT; PUBLIC HIGH-**
 2 **WAY-RAIL GRADE CROSSING.**—In this section, the terms
 3 ‘blocked crossing incident’ and ‘public highway-rail grade
 4 crossing’ have the meanings given the terms in section
 5 20169.”.

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

“20170. National blocked crossing database.”.

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

12 Section 20152 of title 49, United States Code, is
 13 amended—

14 (1) in subsection (a)—

15 (A) in paragraph (1)—

16 (i) in subparagraph (C) by striking
 17 “or” at the end;

18 (ii) by redesignating subparagraph
 19 (D) as subparagraph (E); and

20 (iii) by inserting the following after
 21 subparagraph (C):

22 “(D) blocked crossing incident, as defined
 23 in section 20169; or”;

24 (B) in paragraph (4)—

1 (i) by striking “paragraph (1)(C) or
2 (D)” and inserting “subparagraph (C),
3 (D), or (E) of paragraph (1)”; and

4 (ii) by striking “and” at the end;
5 (C) in paragraph (5) by striking the period
6 at the end and inserting a semicolon; and
7 (D) by adding at the end the following:

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

11 “(A) verify that the public highway-rail
12 grade crossing, as defined in section 20174, was
13 blocked for a period of at least 10 minutes; and

14 “(B) upon positive verification of the re-
15 port, enter the report into the national blocked
16 crossings database established in section 20174;
17 and

18 “(7) promptly inform the Secretary of any up-
19 date to the number maintained under paragraph
20 (1).”; and

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

22 “(c) PUBLICATION OF TELEPHONE NUMBERS.—The
23 Secretary shall make any telephone number established

1 under subsection (a) publicly available on the website of
2 the Department of Transportation.”.

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