AMENDMENT TO RULES COMMITTEE PRINT 118–10
OFFERED BY MR. DELUZIO OF PENNSYLVANIA

At the end of title XVIII, add the following:

SEC. _____ SAFE FREIGHT ACT OF 2023.

(a) SHORT TITLE.—This section may be cited as the “Safe Freight Act of 2023”.

(b) FREIGHT TRAIN CREW SIZE.—Subchapter II of chapter 201 of title 49, United States Code, is amended by inserting after section 20153 the following:

§ 20154. Freight train crew size safety standards

“(a) MINIMUM CREW SIZE.—Except as provided in subsections (b) and (c), a freight train operated by a Class I railroad may not be operated without a 2-person crew consisting of at least 1 appropriately qualified and certified conductor and 1 appropriately qualified and certified locomotive engineer.

“(b) EXCEPTIONS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the requirement under subsection (a) shall not apply with respect to—
“(A) train operations on track that is not a main line track (as defined in section 20173(a)(2);

“(B) locomotives performing assistance to a train that has incurred mechanical failure or lacks the power to traverse difficult terrain, including traveling to or from the location where assistance is provided;

“(C) locomotives that—

“(i) are not attached to any equipment or are attached only to a caboose; and

“(ii) do not travel farther than 50 miles from the point of origin of such locomotive; and

“(D) train operations staffed with fewer than a 2-person crew at least 1 year before the date of the enactment of the Safe Freight Act of 2023 unless the Secretary determines that such operations do not achieve an equivalent level of safety as would result from compliance with the requirement under subsection (a).

“(2) TRAINS INELIGIBLE FOR EXCEPTION.—

The exceptions under paragraph (2) may not be applied to—
“(A) a high-hazard train (as defined in section 20155(a)); or

“(B) a train consist with a total length of at least 7,500 feet.

“(c) Waiver.—A railroad carrier may seek a waiver of the requirements under subsection (a) in accordance with section 20103(d).

“(d) Preservation of Authority.—Nothing in this section may be construed to restrict the authority of the Secretary.”.

(e) Clerical Amendment.—The analysis for subchapter II of chapter 201 of title 49, United States Code, is amended by inserting after the item relating to section 20153 the following:

“20154. Freight train crew size safety standards.”.