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18

**EXECUTIVE MANAGEMENT AND AUDIT COMMITTEE
FEBRUARY 17, 2005**

SUBJECT: FEDERAL LEGISLATION

ACTION: APPROVE STAFF RECOMMENDATION ON FEDERAL LEGISLATION

RECOMMENDATION

Adopt the following position:

S.197 (Boxer) – A bill authorizing the U.S. Secretary of Transportation to conduct a study of highway-railroad grade crossings and to provide grants for grade separations that would enhance safety and for grade crossings on rail lines that have a high volume of goods movement. **SUPPORT - WORK WITH AUTHOR**

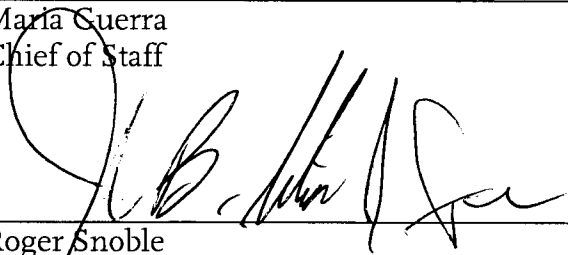
ATTACHMENT

A – Legislative Analysis

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BILL: S.197

AUTHOR: SENATOR BARBARA BOXER (D-CA)

TITLE: RAIL CROSSING SAFETY ACT

STATUS: REFERRED TO THE SENATE COMMERCE, SCIENCE AND TRANSPORTATION COMMITTEE

ACTION: SUPPORT - WORK WITH AUTHOR

RECOMMENDATION

Adopt a SUPPORT – WORK WITH AUTHOR position for S.197, the “Rail Crossing Safety Act.” The bill should be amended to include authorization for federal funding significantly above the current federal commitment of \$150 million annually for highway-railroad grade crossings.

ISSUE

In the aftermath of the tragic Metrolink crash on January 26, 2005 the nation’s attention has been focused on the dangers of highway-railroad grade crossings and the need to provide adequate funding to address rail grade crossings that present a threat to public safety. The Board of Directors passed a motion on January 27, 2005 directing that the Legislative Program be reprioritized to seek increased funding for transit safety measures including, but not limited to, at grade crossing barriers and grade separations. The Legislative Program has been revised to incorporate this change.

PROVISIONS

The “Rail Crossing Safety Act” has two provisions. First, it calls on the “U.S. Secretary of Transportation, in consultation with State and local government officials, to conduct a study of the impact of blocked highway-railroad grade crossings on the ability of emergency responders to perform public safety and security duties.” Second, the legislation directs the U.S. Secretary of Transportation to award grants to State and local governments and agencies to construct tunnels, bridges and other means of separating roads from railroad tracks. The bill stipulates that these grants must be awarded with priority given to grade separations that would have the most impact on improving safety and to rail lines that have a high volume of goods movement.

IMPACT ANALYSIS

The Federal Government provides approximately \$150 million annually, through the Federal Highway Administration, for eliminating hazards at public highway-railroad grade crossings. These funds are disbursed through Section 130 (23 U.S.C.) of the transportation reauthorization bill, more popularly known as TEA-21. The State of California regularly receives less than \$10 million annually in Section 130 funds.

While the “Rail Crossing Safety Act” may serve to increase the amount of attention dedicated by the U.S. Department of Transportation to improve the safety of highway-railroad grade crossings, it does not provide for the funding necessary to address the grade separation issues which face Metrolink and Metro’s light rail network. Given this, enactment of this legislation into law is not likely to provide the resources needed to construct costly grade separations. However, the bill could serve to deliver very modest federal grants for the purpose of enhancing already existing at-grade rail crossing barriers in Los Angeles County. The bill would be enhanced if it were to include authorization for spending much higher than the \$150 million committed annually by the Federal Government for the purpose of eliminating hazards at public highway-railroad grade crossings.