

1 **COMMITTEE:** **NATURAL RESOURCES AND INFRASTRUCTURE**

2 **POLICY:** **STATE-SUPPORTED GRADE CROSSING**  
3 **SAFETY ELIMINATION AND SEPARATION**  
4 **PROGRAMS**

5 **TYPE:** **PROPOSED RESOLUTION**

6 **WHEREAS**, the National Conference of State Legislatures wishes to support sound  
7 public policies that encourage states to take matters into their own control to protect  
8 human life, preserve mobility and enhance economic development by creating state-  
9 funded, highway-railroad grade crossing safety enhancements, including roadway  
10 separations and eliminations; and

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12 **WHEREAS**, there are more than 200,000 at-grade, public railroad crossings throughout  
13 the country; and

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15 **WHEREAS**, thanks to billions of dollars of upgrades to grade crossing warning features  
16 including gates, lights and bells, since 1981 grade crossing collisions have decreased  
17 from 9,461 collisions, down 443%, to 2,131 collisions in 2021; and

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19 **WHEREAS**, since 1981, grade crossing collisions have decreased from 728 fatalities,  
20 down 307%, to 237 fatalities in 2021; and

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22 **WHEREAS**, since 1981 grade crossing collisions have decreased from 3,293 injuries,  
23 down 504%, to 653 injuries; and

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25 **WHEREAS**, the National Association of County Officials (NACo), National League of  
26 Cities (NLC), and American Association of State Highway and Transportation Officials  
27 (AASHTO) have previously urged Congress to support improved rail safety programs,  
28 including supporting additional founding to local governments, state, and railroads to  
29 further improve grade crossings and separations allowing for safer interactions between  
30 road and rail traffic; and

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**WHEREAS**, rail interstate networks between cities and regions provide essential transportation flow for American goods and passengers; and

**WHEREAS**, these rail interstate networks are essential to the American economy but in cities, towns, villages, and states throughout the country, their localized presence can cause negative externalities including road congestion for extended periods of time at rail crossings; and

**WHEREAS**, the federal Infrastructure Investment and Jobs Act includes approximately \$3 billion in funding to be administered by the Federal Railroad Administration over the next 5 years to build new grade separations and eliminate more road-rail crossings throughout the nation; and

**WHEREAS**, some state legislatures have created their own, dedicated state grade crossing separation, elimination, and safety enhancement program to leverage those federal dollars in order to unlock new economic development, safety enhancements, and railroad fluidity opportunities throughout each state; and

**WHEREAS**, 23 U.S.C. Section 130’s Railway Highway Crossing Program was introduced in 1987 and over the past 35 years has annually funded several hundred million dollars of federal match for at-grade crossing enhancements, eliminations, and separations that have driven down vehicular and pedestrian fatalities, injuries, and collisions; and

**WHEREAS**, as part of IIJA, Congress increased incentive payments for grade crossing closures from the previous cap of \$7,500 to the new level of \$100,000 within the federal Section 130 Grade Crossing Safety Fund; and

**WHEREAS**, also as part of IIJA, Congress expanded the eligible activities under the Section 130 Program to now cover replacement of functionally obsolete warning

62 devices that were improved once before in the early years using Section 130 Program  
63 funds.

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65 **NOW THEREFORE BE IT RESOLVED**, the National Conference of State Legislatures  
66 encourages Congress to continue to create, expand, and enhance state and local grade  
67 crossing protection funds which have the effect of improving safety, mobility and  
68 economic development potential for both the railroads and motoring public throughout  
69 the country.