

Calendar No. 540

107TH CONGRESS
2^D SESSION

S. 1871

[Report No. 107-232]

To direct the Secretary of Transportation to conduct a rail transportation security risk assessment, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 20 (legislative day, DECEMBER 18), 2001

Mr. ROCKEFELLER introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

AUGUST 1, 2002

Reported by Mr. HOLLINGS, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

To direct the Secretary of Transportation to conduct a rail transportation security risk assessment, 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 “Safe Rails Act of
5 ~~2001~~. 2002”.

1 **SEC. 2. RAIL TRANSPORTATION SECURITY RISK ASSESS-**
2 **MENT.**

3 (a) IN GENERAL.—The Secretary of Transportation
4 shall—

5 (1) conduct a comprehensive vulnerability as-
6 sessment and security needs analysis of hazardous
7 materials transportation in the railroad freight
8 transportation industry; and

9 (2) with regard to the shipment of hazardous
10 materials, assess the security risks associated with
11 rail transportation and develop prioritized rec-
12 ommendations for—

13 (A) improving the security of rail tunnels,
14 rail bridges, rail switching areas, and other
15 areas identified by the Secretary as posing sig-
16 nificant rail-related risks to human health and
17 public safety and the movement of interstate
18 commerce, taking into account the impact that
19 any proposed security measure might have on
20 the provision of rail service; and

21 (B) dealing with the immediate and long-
22 term economic impact of measures that may be
23 required to address those risks.

24 (b) CONSULTATION; USE OF EXISTING RE-
25 SOURCES.—In carrying out the assessment and analysis
26 required by subsection (a), the Secretary shall—

1 (1) consult with and consider any relevant as-
2 sessments and analyses prepared by the railroad
3 freight transportation industry, owners or lessors of
4 tank cars used in the transportation of hazardous
5 materials, rail labor, or hazardous materials shippers
6 (including officials responsible for responding to
7 emergencies);

8 (2) consider relevant risk assessments and anal-
9 yses prepared by State and Federal regulatory or
10 law enforcement agencies; and

11 (3) utilize, to the maximum extent feasible, the
12 resources and assistance of—

13 (A) the Federal Railroad Administration’s
14 Rail Safety Advisory Committee; and

15 (B) the Transportation Research Board of
16 the National Academy of Sciences.

17 (c) REPORT.—

18 (1) CONTENTS.—Within 180 days after the
19 date of enactment of this Act the Secretary shall
20 transmit to the Senate Committee on Commerce,
21 Science, and Transportation and the House of Rep-
22 resentatives Committee on Transportation and In-
23 frastructure a report, without compromising national
24 security, containing—

1 (A) the assessment, analysis, and
2 prioritized recommendations required by sub-
3 section (a); and

4 (B) any proposals the Secretary deems ap-
5 propriate for providing Federal financial, tech-
6 nological, or research and development assist-
7 ance to railroads, owners or lessors of tank cars
8 used in the transportation of hazardous mate-
9 rials, rail labor, or hazardous materials shippers
10 (including officials responsible for responding to
11 emergencies) to assist in reducing the likeli-
12 hood, severity, and consequences of deliberate
13 acts of crime or terrorism toward rail employ-
14 ees, rail passengers, rail shipments, tank cars,
15 or rail property.

16 (2) FORMAT.—The Secretary may submit the
17 report in both classified and redacted formats if the
18 Secretary determines that such action is appropriate
19 or necessary to avoid compromising national secu-
20 rity.

21 (d) CONFIDENTIALITY.—Except for the report to
22 Congress required by subsection (c), or where limited dis-
23 closure to law enforcement, fire, or other public safety offi-
24 cials is required to protect human health or public safety,
25 the Secretary may keep confidential the assessment and

1 analysis required by subsection (a), along with all related
2 materials, and such information shall not be subject to dis-
3 closure under section 552 of title 5, United States Code.

4 **SEC. 3. RAIL SECURITY FUND.**

5 (a) IN GENERAL.—The Secretary of the Treasury
6 shall establish a Rail Security Fund account in the Treas-
7 ury into which the Secretary of the Transportation shall
8 deposit amounts appropriated under subsection (b).

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There
10 are authorized to be appropriated to the Secretary of
11 Transportation \$150,000,000 for each of fiscal years ~~2002~~
12 ~~and 2003~~ *2003 and 2004* for deposit into the Rail Security
13 Fund account established under subsection (a). Amounts
14 appropriated pursuant to this subsection shall remain
15 available until expended for grants under subsection (d).

16 (c) ALLOCATION BETWEEN RAILROADS AND OTH-
17 ERS.—Unless as a result of the assessment required by
18 section ~~1(a)~~ *2(a)* the Secretary determines that critical rail
19 transportation security needs require reimbursement in
20 greater amounts to any eligible entity, no grants under
21 this section may be made to railroads in excess of
22 \$100,000,000 annually.

23 (d) USE OF APPROPRIATED AMOUNTS.—Amounts in
24 the account are available to the Secretary of Transpor-
25 tation for grants to freight railroads, hazardous materials

1 shippers, or owners of tank cars used in the transportation
2 of hazardous materials, for full or partial reimbursement
3 of costs incurred on or after September 11, 2001, in the
4 conduct of activities to prevent or respond to acts of ter-
5 rorism, sabotage, or other security threats, including—

6 (1) additional operations involving rerouting,
7 switching, and the express movement of hazardous
8 materials to address security risks;

9 (2) hiring additional manpower required to in-
10 crease security of the entire rail network, including
11 rail cars on leased track;

12 (3) security and redundancy for critical commu-
13 nications, computer, and train control systems essen-
14 tial for secure rail operations;

15 (4) development of secure networks to enable
16 railroads to communicate information to hazardous
17 materials shippers and tank car owners regarding
18 credible threats to hazardous material shipments
19 anywhere along the rail network or on shipper facili-
20 ties;

21 (5) development and deployment of secure glob-
22 al positioning satellite tracking systems on all tank
23 cars transporting high hazard materials;

24 (6) investment in the physical hardening of crit-
25 ical railroad infrastructure;

1 (7) research and development of improved tech-
2 nology for sealing rail cars;

3 (8) tank car modifications, or storage of addi-
4 tional tank cars in excess of the number normally
5 stored on-site at shippers' facilities, if required by a
6 Federal agency or a railroad; and

7 (9) research and development otherwise sup-
8 porting enhanced security of hazardous materials
9 transportation by rail, including—

10 (A) the purchase of equipment or improved
11 training to enhance emergency response in haz-
12 ardous materials transportation incidents;

13 (B) research and development of tech-
14 niques to transfer hazardous materials from rail
15 cars that are damaged or otherwise represent
16 an unreasonable risk to human life or public
17 safety; and

18 (C) research and development of systems
19 to enhance rail car security on shipper property.

20 (e) ACCOUNTABILITY.—The Secretary of Transpor-
21 tation shall adopt necessary procedures, including audits,
22 to ensure that grants made under this section are ex-
23 pended in accordance with the purposes of this Act and
24 the priorities and other criteria adopted by the Secretary.

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