

109<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 6165

To improve the safety of transporting hazardous materials by rail and provide training and resources for first responders to protect communities from incidents involving the transportation of hazardous materials.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 25, 2006

Mr. BARROW introduced the following bill; which was referred to the  
Committee on Transportation and Infrastructure

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## A BILL

To improve the safety of transporting hazardous materials by rail and provide training and resources for first responders to protect communities from incidents involving the transportation of hazardous materials.

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; FINDINGS.**

4       (a) **SHORT TITLE.**—This Act may be cited as the  
5       “Training Responders for Accidents and Improving Noti-  
6       fication Act” or the “TRAIN Act”.

7       (b) **FINDINGS.**—Congress makes the following find-  
8       ings:

1           (1) Railroads move about 1,700,000 carloads of  
2 hazardous materials annually, about 6 percent of  
3 total freight rail traffic.

4           (2) While the vast majority of shipments arrive  
5 safely at their destination, serious incidents involving  
6 these materials have the potential to cause wide-  
7 spread disruption or injury.

8           (3) On January 6, 2005, northbound Norfolk  
9 Southern freight train 192, while traveling 47 miles  
10 per hour through Graniteville, South Carolina, en-  
11 countered an improperly lined switch that diverted  
12 the train from the main line onto an industry track,  
13 where it struck the unoccupied, parked train P22.

14           (4) The collision derailed two locomotives and  
15 16 of the 42 freight cars of train 192, as well as the  
16 locomotive and one of the two cars of train P22.

17           (5) Among the derailed cars from train 192  
18 were 3 tank cars containing chlorine, one of which  
19 was breached, releasing chlorine gas.

20           (6) The train engineer and 8 other people died  
21 as a result of chlorine gas inhalation. More than 500  
22 people who suffered from respiratory difficulties  
23 were taken to local hospitals. Of these, 75 were ad-  
24 mitted for treatment. Because of the chlorine re-  
25 lease, about 5,400 people within a 1-mile radius of

1 the derailment site were evacuated for several days.  
2 Total damages exceeded \$6,900,000.

3 (7) The National Transportation Safety Board  
4 determined that the probable cause of the collision  
5 and derailment was the failure of the crew of train  
6 192 to return a main line switch to the normal posi-  
7 tion after the crew completed work at an industry  
8 track.

9 (8) Contributing to the failure was the absence  
10 of any feature or mechanism that would have re-  
11 minded crewmembers of the switch position and thus  
12 would have prompted them to complete this final  
13 critical task before departing the work site.

14 (9) As a result of the accident investigation, the  
15 National Transportation Safety Board made safety  
16 recommendations to the Federal Railroad Adminis-  
17 tration.

18 (10) It is appropriate for the Federal Railroad  
19 Administration to implement the National Transpor-  
20 tation Safety Board's recommendations, as improper-  
21 ly lined switches is the leading cause of human  
22 factor-caused accidents.

23 **SEC. 2. IMPLEMENTATION OF NTSB RECOMMENDATIONS.**

24 Not later than 12 months after the date of enactment  
25 of this Act, the Secretary of Transportation shall issue

1 regulations that implement the following recommendations  
2 contained in the National Transportation Safety Board’s  
3 railroad accident report entitled “Collision of Norfolk  
4 Southern Freight Train 192 With Standing Norfolk  
5 Southern Local Train P22 With Subsequent Hazardous  
6 Materials Release at Graniteville, South Carolina”, adopt-  
7 ed November 29, 2005:

8           (1) Regulations that require, along mail lines in  
9           nonsignaled territory, railroads to install an auto-  
10          matically activated device, independent of the switch  
11          banner, that will, visually or electronically, compel-  
12          lingly capture the attention of employees involved  
13          with switch operations and clearly convey the status  
14          of the switch both in daylight and in darkness.

15          (2) Regulations that require railroads, in non-  
16          signaled territory and in the absence of switch posi-  
17          tion indicator lights or other automated systems that  
18          provide train crews with advance notice of switch po-  
19          sitions, to operate those trains at speeds that will  
20          allow them to be safely stopped in advance of mis-  
21          aligned switches.

22          (3) Regulations that require railroads to imple-  
23          ment operating measures, including positioning tank  
24          cars toward the rear of trains and reducing speeds  
25          through populated areas, to minimize impact forces

1 from accidents and reduce the vulnerability of tank  
2 cars transporting chlorine, anhydrous ammonia, and  
3 other liquefied gases designated as poisonous by in-  
4 halation.

5 (4) Regulations that require railroads to pro-  
6 vide emergency escape breathing apparatus for all  
7 crewmembers on freight trains carrying hazardous  
8 materials, along with appropriate training for such  
9 crewmembers on how to use the apparatus.

10 **SEC. 3. EMERGENCY RESPONDER GRANTS.**

11 (a) AMENDMENT.—Part B of subtitle V of title 49,  
12 United States Code, is amended by adding at the end the  
13 following new chapter:

14 **“CHAPTER 225—EMERGENCY RESPONDER**  
15 **GRANTS**

“Sec.  
“22501. Emergency responder grants.

16 **“§ 22501. Emergency responder grants**

17 “(a) GRANTS.—The Secretary of Transportation  
18 shall make grants to fire departments for costs incurred  
19 in the conduct of activities to respond to incidents involv-  
20 ing the transportation of hazardous materials by rail, in-  
21 cluding costs of—

22 “(1) airborne chemical detection equipment;

23 “(2) air hazard detection equipment;

24 “(3) chemical identification kits;

1           “(4) fire suppression and decontamination  
2 equipment;

3           “(5) hazardous material response vehicles;

4           “(6) patient extraction equipment;

5           “(7) personal protective gear;

6           “(8) radiological response equipment, such as  
7 detectors; and

8           “(9) turnout gear and spare turnout gear.

9           “(b) AUTHORIZATION OF APPROPRIATIONS.—There  
10 are authorized to be appropriated to the Secretary  
11 \$20,000,000 to carry out this section. Amounts appro-  
12 priated pursuant to this subsection shall remain available  
13 until expended.”.

14           (b) CONFORMING AMENDMENT.—The table of chap-  
15 ters for subtitle V of title 49, United States Code, is  
16 amended by adding after the item relating to chapter 223  
17 the following new item:

“225. EMERGENCY RESPONDER GRANTS ..... 22501”.

18 **SEC. 4. EMERGENCY RESPONDER TRAINING STANDARDS.**

19           Section 5116(b)(1) of title 49, United States Code,  
20 is amended—

21           (1) by striking “States and Indian tribes” and  
22 inserting “States, Indian tribes, and nonprofit public  
23 sector employee organizations”; and

24           (2) by adding at the end the following: “To the  
25 extent that such grants are used to train emergency

1 responders, such training shall ensure that emer-  
2 gency responders have the ability to protect nearby  
3 persons, property, and the environment from the ef-  
4 fects of accidents or incidents involving the transpor-  
5 tation of hazardous material, in accordance with ex-  
6 isting regulations.”.

7 **SEC. 5. INFORMATION ON HAZARDOUS MATERIALS**  
8 **SHIPPED.**

9 Not later than 3 months after the date of enactment  
10 of this Act, the Secretary of Transportation shall issue  
11 final rules requiring railroads to inform local communities  
12 through which they transport hazardous materials of the  
13 types of hazardous materials most frequently shipped  
14 through those communities on an annual basis to help as-  
15 sist those communities in their emergency management  
16 planning.

17 **SEC. 6. REPORTS.**

18 (a) **REPORTS BY THE INSPECTOR GENERAL.**—Not  
19 later than 30 days after the date of enactment of this Act,  
20 the Inspector General of the Department of Transpor-  
21 tation shall submit to the Secretary of Transportation and  
22 the Administrator of the Federal Railroad Administration  
23 a report containing the following:

24 (1) A list of each statutory mandate regarding  
25 railroad safety that has not been implemented.

1           (2) A list of each open safety recommendation  
2           made by the National Transportation Safety Board  
3           or the Inspector General regarding railroad safety.

4           (b) REPORTS BY THE SECRETARY.—

5           (1) STATUTORY MANDATES.—Not later than 90  
6           days after the date of enactment of this Act, and  
7           every 180 days thereafter until each of the mandates  
8           referred to in subsection (a)(1) has been imple-  
9           mented, the Secretary shall transmit to the Com-  
10          mittee on Transportation and Infrastructure and the  
11          Committee on Energy and Commerce of the House  
12          of Representatives and the Committee on Commerce,  
13          Science, and Transportation of the Senate a report  
14          on the specific actions taken to implement such  
15          mandates.

16          (2) NTSB AND INSPECTOR GENERAL REC-  
17          COMMENDATIONS.—Not later than January 1 of each  
18          year, the Secretary shall transmit to the Committee  
19          on Transportation and Infrastructure and the Com-  
20          mittee on Energy and Commerce of the House of  
21          Representatives and the Committee on Commerce,  
22          Science, and Transportation of the Senate a report  
23          containing the recommendations referred to in sec-  
24          tion 2 of this Act and subsection (a)(2) of this sec-



- 1 tion and a copy of the Department of Transpor-
- 2 tation response to each such recommendation.

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