

114TH CONGRESS  
1ST SESSION

# H. R. 1290

To provide for a study by the Transportation Research Board of the National Academies on the impact of diverting certain freight rail traffic to avoid urban areas, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 2015

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

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## A BILL

To provide for a study by the Transportation Research Board of the National Academies on the impact of diverting certain freight rail traffic to avoid urban areas, 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. FINDINGS.**

4        Congress finds the following:

5                (1) The volume of crude oil transported by rail  
6        has significantly increased from—

7                        (A) 21,000 barrels a day in 2009 to 1.1  
8        million barrels a day in 2014; and

1 (B) 9,500 rail-carloads in 2008 to 415,000  
2 rail-carloads in 2013.

3 (2) At any given time, more than 2.5 million  
4 gallons of crude oil is being transported across the  
5 country to refineries totaling a distance of more  
6 than 1,000 miles.

7 (3) More oil was spilled in 2013 from freight  
8 traffic than in the previous 4 decades combined.

9 (4) Increased spills result in catastrophes that  
10 have significantly and adversely impacted the fol-  
11 lowing communities:

12 (A) Minnesota, in March 2013, when  
13 30,000 gallons of crude oil spilled because of  
14 derailed cars.

15 (B) Lac-Mégantic, Canada, in July 2013,  
16 when 1.6 million gallons of crude oil spilled, ig-  
17 niting a fire and exploding, killing 47 people  
18 and forcing 2,000 people from their homes.

19 (C) North Dakota, in December 2013,  
20 when 400,000 million gallons of crude oil  
21 spilled, igniting a fire and forcing 65 percent of  
22 residents from their homes.

23 (D) Virginia, in March 2014, when thou-  
24 sands of gallons of oil spilled, contaminating

1 the James River and requiring the evacuation  
2 of 78,000 people in the downtown of the city.

3 (E) West Virginia, in February 2015,  
4 when 26 cars containing oil that exceeded vola-  
5 tility standards for transport derailed, igniting  
6 fires and explosions, threatening the water sup-  
7 ply, and forcing hundreds of people from their  
8 homes.

9 (5) Hazardous materials must be properly clas-  
10 sified for transportation, according to requirements  
11 from the Pipeline and Hazardous Materials Safety  
12 Administration (PHMSA).

13 (6) Crude oil is categorized as a Class 3 flam-  
14 mable liquid in either Packing Group (PG) I or II.

15 (7) Due to serious mislabeling practices, the  
16 Department of Transportation's Emergency Order  
17 (Docket No. DOT-OST-2014-0025) from February  
18 2014 has forbidden the labeling of crude oil as PG  
19 III for transport and handling until further notice;  
20 shipments must be labeled as either PG I (most seri-  
21 ous hazard) or PG II (moderate hazard) for proper  
22 handling and transport of crude oil.

23 (8) PHMSA has found that crude oil from the  
24 Bakken region (in North Dakota, Montana, and

1 Canada) is “more volatile than most other types of  
2 crude,” and subsequently, more flammable.

3 (9) The samples that PHMSA tested from the  
4 Bakken region “displayed characteristics consistent  
5 with those of a Class 3 flammable liquid, PG I or  
6 II, with a predominance to PG I, the most dan-  
7 gerous class of Class 3 flammable liquids”.

8 (10) The oil industry group North Dakota Pe-  
9 troleum Council has recommended that Bakken  
10 crude oil be labeled as PG I hazardous materials for  
11 transportation.

12 (11) Oil from the Bakken region accounts for  
13 about 12 percent of total domestic production.

14 (12) The National Transportation Safety Board  
15 (NTSB) has expressed concern “that major loss of  
16 life, property damage and environmental con-  
17 sequences can occur when large volumes of crude oil  
18 or other flammable liquids are transported on a sin-  
19 gle train involved in an accident”.

20 (13) The NTSB has recommended that routes  
21 transporting hazardous materials present the fewest  
22 overall safety and security risks by avoiding popu-  
23 lated areas.

1 **SEC. 2. STUDY ON IMPACT OF DIVERTING CERTAIN**  
2 **FREIGHT RAIL TO AVOID URBAN AREAS.**

3 (a) IN GENERAL.—Not later than 3 months after the  
4 date of enactment of this Act, the Secretary of Transpor-  
5 tation shall make appropriate arrangements with the  
6 Transportation Research Board of the National Acad-  
7 emies under which the Board shall conduct a study on  
8 the cost and impact of rerouting freight rail traffic con-  
9 taining hazardous material to avoid transportation of such  
10 hazardous material through urban areas.

11 (b) CONTENTS OF STUDY.—The study described  
12 under subsection (a) shall include—

13 (1) the benefits of rerouting freight rail traffic  
14 containing hazardous material to alternate railroad  
15 routes that avoid urban areas, including benefits to  
16 the health and safety of the individuals living in  
17 such urban areas;

18 (2) the benefits of construction of alternative  
19 railroad routes that avoid urban areas for transpor-  
20 tation of freight rail containing hazardous material;

21 (3) the logistical feasibility of the actions de-  
22 scribed in paragraphs (1) and (2); and

23 (4) the costs of taking the actions described in  
24 paragraphs (1) and (2).

25 (c) REPORT.—In entering into an arrangement under  
26 subsection (a), the Secretary shall request that the Board

1 transmit to Congress a report on the results of the study  
2 not later than 21 months after the date of enactment of  
3 this Act.

4 (d) DEFINITIONS.—

5 (1) HAZARDOUS MATERIAL.—The term “haz-  
6 arduous material” has the meaning given such term  
7 in section 5102 of title 49, United States Code.

8 (2) URBAN AREA.—The term “urban area”  
9 means an urban area, as designated by the Bureau  
10 of the Census, with a population of greater than  
11 30,000.

12 (e) AUTHORIZATION OF APPROPRIATIONS.—There  
13 are authorized to be appropriated \$850,000 to carry out  
14 this Act.

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