

114TH CONGRESS
1ST SESSION

S. 1175

To improve the safety of hazardous materials rail transportation, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 30, 2015

Mr. WYDEN (for himself, Mrs. FEINSTEIN, Mr. SCHUMER, Mr. BROWN, Mr. CASEY, Mr. WARNER, Mr. MERKLEY, and Mr. KAINE) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To improve the safety of hazardous materials rail transportation, 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; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Hazardous Materials Rail Transportation Safety Im-
6 provement Act of 2015”.

7 (b) TABLE OF CONTENTS.—The table of contents of
8 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CREATION AND FUNDING OF HAZARDOUS LIQUIDS
RAIL SPILL LIABILITY ACCOUNT

- Sec. 101. Establishment of a Hazardous Liquids Rail Spill Liability Account within the Oil Spill Liability Trust Fund.
- Sec. 102. Hazardous substances discharges.
- Sec. 103. Fee on certain hazardous flammable liquids transported by rail.
- Sec. 104. Qualified tank car conversion expenses.

TITLE II—PREPAREDNESS

- Sec. 201. High hazard rail shipments preparedness training standards.
- Sec. 202. High hazard rail shipments preparedness grants.
- Sec. 203. High hazard rail shipments training grants.
- Sec. 204. Track relocation and railroad inspection safety grants.
- Sec. 205. Implementing recommendations of the National Transportation Safety Board.

TITLE III—DATA COLLECTION

- Sec. 301. National preparedness survey.
- Sec. 302. Hazardous materials rail car census.
- Sec. 303. Energy train data collection.
- Sec. 304. Train length study.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

- Sec. 401. Authorization of appropriations.

1 **TITLE I—CREATION AND FUND-**
2 **ING OF HAZARDOUS LIQUIDS**
3 **RAIL SPILL LIABILITY AC-**
4 **COUNT**

5 **SEC. 101. ESTABLISHMENT OF A HAZARDOUS LIQUIDS RAIL**
6 **SPILL LIABILITY ACCOUNT WITHIN THE OIL**
7 **SPILL LIABILITY TRUST FUND.**

8 (a) IN GENERAL.—Section 9509 of the Internal Rev-
9 enue Code of 1986 is amended by adding at the end the
10 following new subsection:

11 “(g) ESTABLISHMENT OF HAZARDOUS LIQUIDS RAIL
12 SPILL LIABILITY ACCOUNT.—

1 “(1) CREATION OF ACCOUNT.—There is estab-
2 lished in the Oil Spill Liability Trust Fund a sepa-
3 rate account to be known as the ‘Hazardous Liquids
4 Rail Spill Liability Account’ consisting of such
5 amounts as may be transferred or credited to the
6 Hazardous Liquids Rail Spill Liability Account as
7 provided in this section or section 9602(b).

8 “(2) TRANSFERS TO HAZARDOUS LIQUIDS RAIL
9 SPILL LIABILITY ACCOUNT.—The Secretary of the
10 Treasury shall transfer to the Hazardous Liquids
11 Rail Spill Liability Account the following amounts:

12 “(A) Amounts received after the date of
13 the enactment of this subsection in the Oil Spill
14 Liability Trust fund under paragraphs (2), (3),
15 and (8) of subsection (b) and which are attrib-
16 utable to discharges of oil (within the meaning
17 of section 311 of the Federal Water Pollution
18 Control Act) resulting from rail transportation
19 of such oil.

20 “(B) Amounts recovered on behalf of the
21 Hazardous Liquids Rail Spill Liability Account
22 under the Comprehensive Environmental Re-
23 sponse, Compensation, and Liability Act of
24 1980.

25 “(3) EXPENDITURES FROM ACCOUNT.—

1 “(A) IN GENERAL.—Amounts in the Haz-
2 ardous Liquids Rail Spill Liability Account
3 shall be available, as provided in appropriations
4 Acts or section 6002(b) of the Oil Pollution Act
5 of 1990, for making expenditures only for the
6 following purposes:

7 “(i) Any purpose which is described in
8 subparagraph (A) or (D) of subsection
9 (c)(1) and which are attributable to dis-
10 charges of oil (within the meaning of sec-
11 tion 311 of the Federal Water Pollution
12 Control Act) resulting from rail transpor-
13 tation of such oil.

14 “(ii) Any response action for which
15 there is an authorization under section 104
16 of the Comprehensive Environmental Re-
17 sponse, Compensation, and Liability Act of
18 1980 (as in effect on the date of the enact-
19 ment of this subsection) and which is at-
20 tributable to releases of hazardous sub-
21 stances (within the meaning of section 101
22 of the Comprehensive Environmental Re-
23 sponse, Compensation, and Liability Act of
24 1980) resulting from rail transportation of
25 such hazardous substances.

1 “(B) TRANSFERS FOR CERTAIN GRANTS,
2 SURVEYS, STUDIES, AND REPORTS.—The Sec-
3 retary shall pay from time to time from the
4 Hazardous Liquids Rail Spill Liability Account
5 into the general fund of the Treasury amounts
6 equivalent to amounts appropriated for pur-
7 poses of—

8 “(i) awarding grants authorized under
9 subsections (a)(1)(C) and (b)(1)(B) of sec-
10 tion 5116 of title 49, United States Code,

11 “(ii) awarding grants authorized
12 under section 205 of the Hazardous Mate-
13 rials Rail Transportation Safety Improve-
14 ment Act of 2015,

15 “(iii) carrying out the national pre-
16 paredness survey conducted under section
17 301 of the Hazardous Materials Rail
18 Transportation Safety Improvement Act of
19 2015,

20 “(iv) carrying out energy train data
21 collection under section 303 of the Haz-
22 ardous Materials Rail Transportation Safe-
23 ty Improvement Act of 2015,

24 “(v) carrying out the crude oil train
25 study conducted under section 304 of the

1 Hazardous Materials Rail Transportation
2 Safety Improvement Act of 2015, and

3 “(vi) carrying out the train length
4 study under section 305 of the Hazardous
5 Materials Rail Transportation Safety Im-
6 provement Act of 2015.

7 “(C) TRANSFERS RELATED TO QUALIFIED
8 TANK CAR CONVERSION CREDIT.—The Sec-
9 retary shall pay from time to time from the
10 Hazardous Liquids Rail Spill Liability Account
11 into the general fund of the Treasury amounts
12 (as determined by the Secretary) equivalent to
13 the gross amount of credits determined under
14 section 45S(a), as estimated by the Secretary.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) Section 9509(c)(1) of the Internal Revenue
17 Code of 1986 is amended by striking “Amounts”
18 and inserting “Except as provided in subsection (g),
19 amounts”.

20 (2) Section 9509(c)(2) of such Code is amended
21 by inserting “(determined without regard to any
22 amount in the Hazardous Liquids Rail Spill Liabil-
23 ity Account)” after “in such Trust Fund”.

24 (3) Section 9509(f) of such Code is amended by
25 inserting “or (g)(3)” after “(c)(1)”.

1 **SEC. 102. HAZARDOUS SUBSTANCES DISCHARGES.**

2 (a) **ELEMENTS OF LIABILITY.**—Section 1002(a) of
3 the Oil Pollution Act of 1990 (33 U.S.C. 2702(a)) is
4 amended by inserting “or a discharge of oil posing a sub-
5 stantial threat to public health or welfare as described in
6 section 311(c)(2) of the Federal Water Pollution Control
7 Act (33 U.S.C. 1321(c)(2)) and resulting from rail trans-
8 portation of such oil” after “economic zone”.

9 (b) **DESIGNATION OF HAZARDOUS SUBSTANCES.**—
10 Section 311(b)(2)(A) of the Federal Water Pollution Con-
11 trol Act (33 U.S.C. 1321(b)(2)(A)) is amended—

12 (1) by inserting “(i)” before “The Adminis-
13 trator”; and

14 (2) by adding at the end the following:

15 “(ii) **RAIL TRANSPORTATION MATERIALS.**—For
16 purposes of this section and section 101(14) of the
17 Comprehensive Environmental Response, Compensa-
18 tion, and Liability Act of 1980 (42 U.S.C.
19 9601(14)), the Administrator shall designate as a
20 hazardous substance any hazardous material de-
21 scribed in section 172.101 of title 49, Code of Fed-
22 eral Regulations (or a successor regulation), that is
23 designated as a Class 3 material in packing group
24 I, II, or III and discharged due to rail transpor-
25 tation.”.

1 **SEC. 103. FEE ON CERTAIN HAZARDOUS FLAMMABLE LIQ-**
 2 **UIDS TRANSPORTED BY RAIL.**

3 (a) IMPOSITION.—

4 (1) IN GENERAL.—Chapter 38 of the Internal
 5 Revenue Code of 1986 is amended by adding at the
 6 end the following new subchapter:

7 **“Subchapter E—Hazardous Flammable**
 8 **Liquids Transported by Rail**

“Sec. 4691. Imposition.

9 **“SEC. 4691. IMPOSITION.**

10 “(a) IN GENERAL.—There is hereby imposed a fee
 11 at the rate specified in subsection (b) on—

12 “(1) the placement of any hazardous flammable
 13 liquids into a DOT–111 tank car at any location in
 14 the United States, and

15 “(2) the entry into the United States of any
 16 DOT–111 tank car carrying any hazardous flam-
 17 mable liquids.

18 “(b) RATE.—The rate imposed by this section is—

19 “(1) \$175 in the case of any placement or entry
 20 before January 1, 2017,

21 “(2) \$350 in the case of any placement or entry
 22 after December 31, 2016, and before January 1,
 23 2018,

1 “(3) \$700 in the case of any placement or entry
2 after December 31, 2017, and before January 1,
3 2019, and

4 “(4) \$1,400 in the case of any placement or
5 entry after December 31, 2018.

6 “(c) PERSONS LIABLE.—

7 “(1) PLACEMENT INTO TANK CAR.—The fee
8 imposed by subsection (a)(1) shall be paid by the
9 person who offers the hazardous flammable liquid
10 for transportation in the DOT–111 tank car into
11 which such hazardous flammable liquid is placed.

12 “(2) ENTRY OF TANK CAR INTO UNITED
13 STATES.—The fee imposed by subsection (a)(2) shall
14 be paid by the person entering the hazardous flam-
15 mable liquid contained in a DOT–111 tank car into
16 the United States.

17 “(d) SPECIAL RULES.—

18 “(1) TREATMENT OF MULTIPLE PLACE-
19 MENTS.—No fee shall be imposed under subsection
20 (a)(1) with respect to any placement of hazardous
21 flammable liquids into a DOT–111 tank car if—

22 “(A) a fee has already been imposed with
23 respect to hazardous flammable liquids in such
24 tank car under subsection (a), and

1 “(B) no hazardous flammable liquid has
2 been removed from such tank car after the first
3 imposition of such fee.

4 Under regulations prescribed by the Secretary, this
5 paragraph shall not apply to any placement made
6 for the purposes of avoiding the fee under this sub-
7 chapter.

8 “(2) ONLY 1 FEE IMPOSED WITH RESPECT TO
9 ANY PRODUCT.—No fee shall be imposed under sub-
10 section (a) with respect to any hazardous flammable
11 liquid if the person who would be liable for such fee
12 establishes that a prior fee imposed by such sub-
13 section has been imposed with respect to the same
14 such hazardous flammable liquid. For purposes of
15 the preceding sentence, any hazardous flammable
16 liquid which has been substantially changed into an-
17 other hazardous flammable liquid shall not be treat-
18 ed as the same hazardous flammable liquid.

19 “(e) DEFINITIONS AND OTHER RULES.—For pur-
20 poses of this section—

21 “(1) HAZARDOUS FLAMMABLE LIQUID.—The
22 term ‘hazardous flammable liquid’ means any liquid
23 which—

1 “(A) is listed in the hazardous materials
2 table contained in section 172.101 of title 49,
3 Code of Federal Regulations,

4 “(B) is identified on such table as hazard
5 class or division 3, and

6 “(C) is assigned on such table to packing
7 group I, II, or III.

8 “(2) DOT-111 TANK CAR.—The term ‘DOT-
9 111 Tank Car’ means a rail tank car that—

10 “(A) meets the specifications for Class
11 DOT-111 tank cars set forth in subpart D of
12 part 179 of title 49, Code of Federal Regula-
13 tions, as in effect on the date of the enactment
14 of this section, and

15 “(B) does not meet the requirements of—

16 “(i) in the case of any placement or
17 entry during a period in which the en-
18 hanced tank car final rule is in effect, such
19 enhanced tank car final rule (as in effect
20 on the date of such placement or entry),
21 and

22 “(ii) in the case of any other place-
23 ment or entry, the requirements of Cas-
24 ualty Prevention Circular 1232, as issued

1 by the Association of American Railroads
2 on August 31, 2011.

3 “(3) PERSON WHO OFFERS.—

4 “(A) IN GENERAL.—The term ‘person who
5 offers’ means any person who tenders or makes
6 the hazardous flammable liquid available to a
7 carrier for transportation in commerce.

8 “(B) SPECIAL RULE.—A carrier is not a
9 person who offers when it transfers a hazardous
10 material to another carrier for continued trans-
11 portation in commerce.

12 “(C) TERMS.—Any term used in this para-
13 graph which is defined in section 171.8 of title
14 49, Code of Federal Regulations, shall have the
15 meaning given such term under such section.

16 “(4) ENHANCED TANK CAR FINAL RULE.—The
17 term ‘enhanced tank car final rule’ means any final
18 rule promulgated by the Pipeline and Hazardous
19 Materials Safety Administration that is a successor
20 to the proposed rule entitled ‘Enhanced Tank Car
21 Standards and Operational Controls for High-Haz-
22 ard Flammable Trains’, published by such Adminis-
23 tration in the Federal Register on August 1, 2014
24 (79 Fed. Reg. 45015; Docket No. PHMSA–2012–
25 0082 (HM–251)).

1 “(5) TREATMENT OF FEE.—The fee imposed
2 under this section shall be paid upon notice and de-
3 mand, and shall be assessed, collected, and paid in
4 the same manner as taxes. Any reference in this title
5 (except subchapter B of chapter 63) to any tax im-
6 posed by this title shall be deemed to also refer to
7 the fee imposed by this section.”.

8 (2) CLERICAL AMENDMENT.—The table of sub-
9 chapters for chapter 38 of the Internal Revenue
10 Code of 1986 is amended by adding at the end the
11 following new item:

“SUBCHAPTER E. HAZARDOUS FLAMMABLE LIQUIDS TRANSPORTED BY RAIL”.

12 (b) DEPOSIT OF AMOUNTS INTO OIL SPILL LIABIL-
13 ITY TRUST FUND.—

14 (1) IN GENERAL.—Section 9509(b) of the In-
15 ternal Revenue Code of 1986 is amended by striking
16 “and” at the end of paragraph (7), by striking the
17 period at the end of paragraph (8) and inserting “,
18 and”, and by adding at the end the following new
19 paragraph:

20 “(9) amounts received in the Treasury under
21 section 4691.”.

22 (2) TRANSFER TO HAZARDOUS LIQUIDS RAIL
23 SPILL LIABILITY ACCOUNT.—Paragraph (2) of sec-
24 tion 9509(g) of such Code, as added by section 101,

1 is amended by adding at the end the following new
2 subparagraph:

3 “(C) Amounts received in the Oil Spill Li-
4 ability Trust fund under subsection (b)(9).”.

5 (c) EFFECTIVE DATE.—The amendments made by
6 this section shall apply to placements and entries occur-
7 ring in calendar quarters beginning more than 60 days
8 after the date of the enactment of this Act.

9 **SEC. 104. QUALIFIED TANK CAR CONVERSION EXPENSES.**

10 (a) IN GENERAL.—Subpart D of part IV of sub-
11 chapter A of chapter 1 of the Internal Revenue Code of
12 1986 is amended by adding at the end the following new
13 section:

14 **“SEC. 45S. CREDIT QUALIFIED TANK CAR CONVERSION EX-
15 PENSES.**

16 “(a) GENERAL RULE.—For purposes of section 38,
17 the qualified tank car conversion credit determined under
18 this section for any taxable year is an amount equal to
19 15 percent of the qualified tank car conversion expenses
20 paid or incurred by the taxpayer during the taxable year.

21 “(b) LIMITATION.—The aggregate amount of credit
22 allowed under subsection (a) with respect to a taxpayer
23 for any taxable year shall not exceed \$10,000,000 reduced
24 by the amount of credit allowed under subsection (a) to

1 the taxpayer (or any predecessor) for all prior taxable
2 years.

3 “(c) QUALIFIED TANK CAR CONVERSION EX-
4 PENSES.—For purposes of this section—

5 “(1) IN GENERAL.—The term ‘qualified tank
6 car conversion expenses’ means any expenditures
7 paid or incurred by the taxpayer in converting a
8 qualified CPC-1232 tank car into a tank car that
9 meets the requirements and standards under the en-
10 hanced tank car final rule (as defined in section
11 4691(e)(4)) (as in effect on the date such expendi-
12 tures are paid or incurred).

13 “(2) QUALIFIED CPC-1232 TANK CAR.—The
14 term ‘qualified CPC-1232 tank car’ means any tank
15 car that meets the requirements of Casualty Preven-
16 tion Circular 1232, as issued by the Association of
17 American Railroads on August 31, 2011, which—

18 “(A) is owned or leased by the taxpayer,

19 “(B) was placed in service by the taxpayer
20 or leased by the lessee before the date of the
21 enactment of this section, and

22 “(C) was operated in the United States—

23 “(i) for more than 180 days during
24 the 12-month period ending on the date of
25 the enactment of this section, or

1 “(ii) in the case of a tank car first
2 placed in service during the 12-month pe-
3 riod described in clause (i), for more than
4 the number of days prescribed by the Sec-
5 retary in regulations.

6 “(d) SPECIAL RULES.—

7 “(1) AGGREGATION RULES.—For purposes of
8 this section, all persons treated as a single employer
9 under subsection (a) or (b) of section 52, or sub-
10 section (m) or (o) of section 414, shall be treated as
11 one person.

12 “(2) BASIS ADJUSTMENT.—For purposes of
13 this subtitle, if a credit is allowed under this section
14 for an expenditure related to property of a character
15 subject to an allowance for depreciation, the basis of
16 such property shall be reduced by the amount of
17 such credit.

18 “(3) DENIAL OF DOUBLE BENEFIT.—

19 “(A) BONUS DEPRECIATION.—A credit
20 shall not be allowed under this section for any
21 investment for which bonus depreciation is al-
22 lowed under section 168(k), 1400L(b)(1), or
23 1400N(d)(1).

24 “(B) DEDUCTIONS.—No deduction under
25 this subtitle shall be allowed for the portion of

1 the expenses otherwise allowable as a deduction
2 taken into account in determining the credit
3 under this section for the taxable year which is
4 equal to the amount of the credit determined
5 for such taxable year under subsection (a) at-
6 tributable to such portion. This subparagraph
7 shall not apply to expenses related to property
8 of a character subject to an allowance for de-
9 preciation the basis of which is reduced under
10 paragraph (1), or which are described in section
11 280C(j).

12 “(C) CONSISTENT TREATMENT BY LESSOR
13 AND LESSEE.—In the case of a lease of a quali-
14 fied CPC-1232 tank car, the qualified tank car
15 conversion credit may only be claimed by the
16 party who is the tax owner of any tangible per-
17 sonal property for which the qualified tank car
18 conversion expenses are paid or incurred.

19 “(e) TERMINATION.—This section shall not apply to
20 expenses paid or incurred after December 31, 2018.”.

21 (b) CREDIT TO BE PART OF GENERAL BUSINESS
22 CREDIT.—Section 38(b) of the Internal Revenue Code of
23 1986 is amended by striking “plus” at the end of para-
24 graph (35), by striking the period at the end of paragraph

1 (36) and inserting “, plus”, and by adding at the end the
2 following new paragraph:

3 “(37) the qualified tank car conversion credit
4 determined under section 45S(a).”.

5 (c) CONFORMING AMENDMENTS.—

6 (1) Section 280C is amended by redesignating
7 the subsection following subsection (h) (relating to
8 qualifying therapeutic discovery project credit) as
9 subsection (i) and by adding at the end the following
10 new subsection:

11 “(j) QUALIFIED TANK CAR CONVERSION CREDIT.—

12 No deduction shall be allowed for that portion of the quali-
13 fied tank car conversion expenses (as defined in section
14 45S(c)) otherwise allowable as a deduction for the taxable
15 year which is equal to the amount of the credit determined
16 for such taxable year under section 45S(a), reduced by—

17 “(1) the amount disallowed as a deduction by
18 reason of section 45S(d)(3)(B), and

19 “(2) the amount of any basis reduction under
20 section 45S(d)(2).”.

21 (2) The table of sections for subpart D of part
22 IV of subchapter A of chapter 1 of such Code is
23 amended by adding at the end the following new
24 item:

“Sec. 45S. Credit qualified tank car conversion expenses.”.

1 (d) EFFECTIVE DATE.—The amendments made by
 2 this section shall apply to expenses paid or incurred after
 3 the date of the enactment of this Act, in taxable years
 4 ending after such date.

5 **TITLE II—PREPAREDNESS**

6 **SEC. 201. HIGH HAZARD RAIL SHIPMENTS PREPAREDNESS**

7 **TRAINING STANDARDS.**

8 (a) DEFINITIONS.—Section 5102 of title 49, United
 9 States Code, is amended—

10 (1) by redesignating paragraphs (2) through
 11 (14) as paragraphs (3) through (15), respectively;
 12 and

13 (2) by inserting after paragraph (1) the fol-
 14 lowing:

15 “(2) ‘flammable liquids or gases’ means—

16 “(A) any ‘flammable liquid’ (as defined in
 17 section 173.120 of title 49, Code of Federal
 18 Regulations); and

19 “(B) any ‘flammable gas (Division 2.1)’
 20 (as defined in section 173.115 of title 49, Code
 21 of Federal Regulations).”.

22 (b) TRAINING STANDARDS.—Section 5115(b)(1) of
 23 title 49, United States Code, is amended—

24 (1) by redesignating subparagraphs (B) and
 25 (C) as subparagraphs (C) and (D), respectively; and

1 (2) by inserting after subparagraph (A) the fol-
2 lowing:

3 “(B) a recommended course of study to
4 train public sector employees to respond to an
5 accident or incident involving trains trans-
6 porting at least 20 tank cars of flammable liq-
7 uids or gases;”.

8 **SEC. 202. HIGH HAZARD RAIL SHIPMENTS PREPAREDNESS**
9 **GRANTS.**

10 Section 5116(a) of title 49, United States Code, is
11 amended—

12 (1) in paragraph (1)—

13 (A) in subparagraph (A), by striking
14 “and” at the end;

15 (B) in subparagraph (B), by striking the
16 period at the end and inserting “; and”; and

17 (C) by adding at the end the following:

18 “(C) to develop, improve, and carry out emer-
19 gency plans for communities through which railroads
20 transport a train or trains transporting at least 20
21 tank cars of flammable liquids or gases.”; and

22 (2) in paragraph (2)—

23 (A) in subparagraph (A)—

1 (i) by striking “the Act” and inserting
2 “the Emergency Planning and Community
3 Right-To-Know Act of 1986”; and

4 (ii) by striking “and” at the end;
5 (B) in subparagraph (B)—

6 (i) by striking “under paragraph (1)
7 of this subsection” and inserting “received
8 to carry out the purposes described in sub-
9 paragraph (A) or (B) of paragraph (1)”;

10 (ii) by striking “the Act” and insert-
11 ing “such Act”; and

12 (iii) by striking the period at the end
13 and inserting “; and”; and

14 (C) by adding at the end the following:

15 “(C) the State or Indian tribe agrees to make
16 available—

17 “(i) at least 90 percent of the amount of
18 the grant received to carry out the purpose de-
19 scribed in paragraph (1)(C) in fiscal years
20 2016, 2017, and 2018 to local emergency plan-
21 ning committees established under such section
22 301(c) to develop emergency plans under such
23 Act; and

24 “(ii) at least 75 percent of the amount of
25 the grant received to carry out the purpose de-

1 scribed in paragraph (1)(C) in fiscal year 2019,
 2 and in each subsequent fiscal year, to local
 3 emergency planning committees established
 4 under such section 301(c) to develop emergency
 5 plans under such Act.”.

6 **SEC. 203. HIGH HAZARD RAIL SHIPMENTS TRAINING**
 7 **GRANTS.**

8 Section 5116 of title 49, United States Code, is
 9 amended—

10 (1) in subsection (b)—

11 (A) by redesignating paragraphs (2), (3),
 12 and (4) as paragraphs (3), (4), and (5), respec-
 13 tively;

14 (B) in paragraph (1)—

15 (i) by striking “tribes to train” and
 16 inserting the following: “tribes—
 17 “(A) to train”; and

18 (ii) by striking “material.” and all
 19 that follows and inserting the following:
 20 “material; and

21 “(B) to train public sector employees to re-
 22 spond to accidents and incidents involving trains
 23 transporting at least 20 tank cars of flammable liq-
 24 uids or gases.”;

1 (C) by inserting after paragraph (1) the
2 following:

3 “(2) To the extent that a grant under paragraph (1)
4 is used to train emergency responders, the State or Indian
5 tribe shall provide written certification to the Secretary
6 that the emergency responders who receive training under
7 the grant will have the ability to protect nearby persons,
8 property, and the environment from the effects of acci-
9 dents or incidents involving the transportation of flam-
10 mable liquids or gases in accordance with existing regula-
11 tions or National Fire Protection Association standards
12 for competence of responders to accidents and incidents
13 involving flammable liquids or gases.”; and

14 (D) in paragraph (3), as redesignated—

15 (i) in subparagraph (B), by striking
16 “and” at the end;

17 (ii) in subparagraph (C)—

18 (I) by striking “under paragraph
19 (1) of this subsection” and inserting
20 “received to carry out the purpose de-
21 scribed in paragraph (1)(A)”;

22 (II) by striking the period at the
23 end, and inserting “; and”;

24 (iii) by adding at the end the fol-
25 lowing:

1 “(D) to a State or Indian tribe that agrees to
2 make available—

3 “(i) at least 90 percent of the amount of
4 the grant received to carry out the purpose de-
5 scribed in paragraph (1)(B) in fiscal years
6 2016, 2017, and 2018 to local emergency plan-
7 ning committees established under section
8 301(c) of the Emergency Planning and Commu-
9 nity Right-To-Know Act of 1986 (42 U.S.C.
10 1101(c)) to develop emergency plans under
11 such Act; and

12 “(ii) at least 75 percent of the amount of
13 the grant received to carry out the purpose de-
14 scribed in paragraph (1)(B) in fiscal year 2019,
15 and in each subsequent fiscal year, to local
16 emergency planning committees established
17 under such section 301(c) to develop emergency
18 plans under such Act.”;

19 (2) by redesignating subsections (f), (g), (h),
20 (i), (j), and (k) as subsections (g), (h), (i), (j), (k),
21 and (l) respectively; and

22 (3) by inserting after subsection (e) the fol-
23 lowing:

1 “(f) FEDERAL SHARE OF COSTS FOR HIGH HAZARD
2 TRAIN GRANTS.—The Federal share of each grant award-
3 ed under subsections (a)(1)(C) and (b)(1)(B) shall be—

4 “(1) 100 percent of the eligible costs incurred
5 by the State or Indian tribe in fiscal years 2015,
6 2016, and 2017; and

7 “(2) 80 percent of the eligible costs incurred by
8 the State or Indian tribe in fiscal year 2018 and
9 each subsequent fiscal year.”.

10 **SEC. 204. TRACK RELOCATION AND RAILROAD INSPECTION**

11 **SAFETY GRANTS.**

12 (a) DEFINED TERM.—In this section, the term
13 “flammable liquids or gases” means—

14 (1) any “flammable liquid” (as defined in sec-
15 tion 173.120 of title 49, Code of Federal Regula-
16 tions); and

17 (2) any “flammable gas (Division 2.1)” (as de-
18 fined in section 173.115 of title 49, Code of Federal
19 Regulations).

20 (b) ESTABLISHMENT OF PROGRAM.—The Secretary
21 of Transportation shall carry out a grant program to pro-
22 vide financial assistance for local projects, activities, and
23 personnel that mitigate the impacts of, and public health
24 or environmental risks associated with, the transport of
25 flammable liquids or gases by rail.

1 (c) ELIGIBILITY.—A State or political subdivision of
2 a State is eligible to receive a grant under this section,
3 to the extent the project or activity is consistent with the
4 goals under subsection (b), for—

5 (1) projects eligible for assistance under section
6 20154 of title 49, United States Code; or

7 (2) State rail safety participation under section
8 20105 of title 49, United States Code.

9 (d) PROJECT SELECTION CRITERIA.—In determining
10 whether to award a grant to an eligible recipient under
11 this section, the Secretary shall consider—

12 (1) the volume of flammable liquids or gases
13 being transported by rail through a relevant State or
14 community; and

15 (2) the extent to which the project or activity
16 will mitigate risk factors associated with rail trans-
17 portation of flammable liquids or gases, including re-
18 ducing risks to—

19 (A) public safety;

20 (B) the environment; and

21 (C) public or private property.

22 (e) NON-FEDERAL SHARE.—

23 (1) MAXIMUM FEDERAL SHARE.—Notwith-
24 standing the limitation set forth in section 20105(e)
25 of title 49, United States Code, the Federal share of

1 project costs under this section may be up to 90 per-
2 cent.

3 (2) METHOD OF PAYMENT.—The non-Federal
4 share of project costs under this section may be paid
5 in cash or in kind from a grantee or a private entity
6 involved with the project.

7 (f) AGREEMENTS.—As a condition of awarding any
8 grant under this section for a project that uses rights-of-
9 way owned by a railroad, the Secretary shall require that
10 a written agreement exist between the applicant and the
11 railroad regarding such use.

12 **SEC. 205. IMPLEMENTING RECOMMENDATIONS OF THE NA-**
13 **TIONAL TRANSPORTATION SAFETY BOARD.**

14 (a) IMPLEMENTATION OF CERTAIN NTSB REC-
15 OMMENDATIONS BY THE FEDERAL RAILROAD ADMINIS-
16 TRATION.—Not later than 1 year after the date of the en-
17 actment of this Act, the Administrator of the Federal Rail-
18 road Administration shall implement the following rec-
19 ommendations of the National Transportation Safety
20 Board:

21 (1) Recommendation R-7-2, dated April 25,
22 2007 (relating to real-time information regarding
23 the identity and location of all hazardous materials
24 on a train).

1 (2) Recommendation R–14–14, dated August
2 22, 2014 (relating to railroads providing commu-
3 nities and States with current commodity flow data
4 and assisting with development of emergency oper-
5 ation and response plans).

6 (3) Recommendation R–14–18, dated August
7 22, 2014 (relating to ensuring that emergency re-
8 sponse information carried by train crews is con-
9 sistent with the Emergency Response Guidebook).

10 (4) Recommendations R–14–75 and R–14–76,
11 dated December 30, 2014 (relating to allowable lim-
12 its for track conditions).

13 (b) IMPLEMENTATION OF NTSB RECOMMENDATION
14 BY THE PIPELINES AND HAZARDOUS MATERIALS SAFETY
15 ADMINISTRATION.—Not later than 1 year after the date
16 of the enactment of this Act, the Administrator of the
17 Pipelines and Hazardous Materials Safety Administration
18 shall implement National Transportation Safety Board
19 Recommendation R–14–19, dated August 22, 2014 (relat-
20 ing to developing, implementing and periodically evalu-
21 ating requirements for railroads that transport hazardous
22 materials to conduct public education programs for com-
23 munities along railroad hazardous materials routes).

24 (c) DETERMINATIONS WITH RESPECT TO PENDING
25 RECOMMENDATIONS.—Not later than 1 year after the

1 date of the enactment of this Act, and annually thereafter
2 until the recommendations described in subsections (a)
3 and (b) have been implemented, the Administrator of the
4 Federal Railroad Administration and the Administrator of
5 the Pipelines and Hazardous Materials Safety Administra-
6 tion shall submit a report to the congressional committees
7 referred to in section 301(2) that describes—

8 (1) the progress made in implementing each
9 recommendation required under subsection (a) or
10 (b), as applicable; and

11 (2) if any of the required recommendations
12 have not been fully implemented, the reasons for
13 such failure.

14 **TITLE III—DATA COLLECTION**

15 **SEC. 301. NATIONAL PREPAREDNESS SURVEY.**

16 Not later than 18 months after the date of the enact-
17 ment of this Act, the Secretary of Transportation shall—

18 (1) conduct a study of—

19 (A) the routes of trains transporting at
20 least 20 tank cars of flammable liquids or
21 gases; and

22 (B) the availability of equipment and fire-
23 fighting materials appropriate for a large-scale
24 release of flammable liquids or gases along the
25 routes described in subparagraph (A);

1 (2) submit a report containing the results of
2 the study conducted under paragraph (1) to—

3 (A) the Committee on Finance of the Sen-
4 ate;

5 (B) the Committee on Environment and
6 Public Works of the Senate;

7 (C) the Committee on Energy and Natural
8 Resources of the Senate;

9 (D) the Committee on Commerce, Science,
10 and Transportation of the Senate;

11 (E) the Committee on Ways and Means of
12 the House of Representatives;

13 (F) the Committee on Energy and Com-
14 merce of the House of Representatives; and

15 (G) the Committee on Transportation and
16 Infrastructure of the House of Representatives;
17 and

18 (3) make the results of the study conducted
19 under paragraph (1) available to the public, includ-
20 ing on an Internet website.

21 **SEC. 302. HAZARDOUS MATERIALS RAIL CAR CENSUS.**

22 (a) DATA COLLECTION.—As part of the 2017, 2022,
23 and 2027 quinquennial Commodity Flow Surveys author-
24 ized under section 131 of title 13, United States Code,
25 the Secretary of Commerce, in coordination with the Sec-

1 retary of Transportation, shall determine the number and
2 types of rail tank cars used to carry Class 3 hazardous
3 materials (as defined in section 172.101 of title 49, Code
4 of Federal Regulations).

5 (b) REPORTING.—Not later than June 30 of the year
6 immediately following the year in which a survey described
7 in subsection (a) is conducted, the Secretary of Commerce
8 shall—

9 (1) submit a report containing the information
10 described in subsection (a) to the congressional com-
11 mittees referred to in section 301(2); and

12 (2) make the information described in sub-
13 section (a) available to the public, including on an
14 Internet website.

15 **SEC. 303. ENERGY TRAIN DATA COLLECTION.**

16 Beginning not later than 1 year after the date of the
17 enactment of this Act, the Energy Information Adminis-
18 trator, in coordination with the Secretary of Transpor-
19 tation, shall—

20 (1) conduct a quarterly survey to collect infor-
21 mation regarding—

22 (A) the volume of flammable energy prod-
23 ucts transported by rail, including—

24 (i) petroleum crude oil;

25 (ii) ethanol;

- 1 (iii) liquefied natural gas; and
2 (iv) other petroleum products; and
3 (B) the origins and destinations of the
4 products described in subparagraph (A);
5 (2) submit a quarterly report containing the re-
6 sults of the surveys conducted under paragraph (1)
7 to the congressional committees referred to in sec-
8 tion 301(2); and
9 (3) make the information described in para-
10 graph (1) available to the public, including on an
11 Internet website.

12 **SEC. 304. TRAIN LENGTH STUDY.**

13 (a) IN GENERAL.—The Secretary of Transportation
14 shall conduct a study to determine whether train length
15 correlates with the severity and frequency of train
16 derailments.

17 (b) STUDY COMPONENTS.—In carrying out the study
18 required under subsection (a), the Secretary shall—

- 19 (1) analyze the risks to public health, public
20 safety, the environment, and property that are asso-
21 ciated with transporting large volumes of hazardous
22 materials in unit trains;
23 (2) compile a list of all train accidents involving
24 unit trains of hazardous materials; and

1 (3) identify best practices to mitigate or reduce
2 the frequency and severity of accidents involving
3 unit trains.

4 (c) SUBMISSION.—Not later than 2 years after the
5 date of the enactment of this Act, the Secretary of Trans-
6 portation shall—

7 (1) submit a report containing the results of
8 the study conducted under this section to the con-
9 gressional committees referred to in section 301(2);
10 and

11 (2) make the results of the study available to
12 the public.

13 **TITLE IV—AUTHORIZATION OF** 14 **APPROPRIATIONS**

15 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

16 (a) HIGH HAZARD RAIL SHIPMENTS PREPAREDNESS
17 AND TRAINING GRANTS.—

18 (1) IN GENERAL.—There is authorized to be
19 appropriated \$15,000,000 in each of the fiscal years
20 2016, 2017, and 2018 for grants authorized under
21 subsections (a)(1)(C) and (b)(1)(B) of section 5116
22 of title 49, United States Code, as added by sections
23 202 and 203.

24 (2) AVAILABILITY.—Of the amounts appro-
25 priated pursuant to paragraph (1)—

1 (A) the amounts appropriated for fiscal
2 year 2016 shall remain available until Sep-
3 tember 30, 2017; and

4 (B) the amounts appropriated for fiscal
5 year 2017 shall remain available until Sep-
6 tember 30, 2018.

7 (b) TRACK RELOCATION AND RAILROAD INSPECTION
8 SAFETY GRANTS.—There is authorized to be appropriated
9 \$25,000,000 in each of the fiscal years 2016, 2017, 2018,
10 and 2019 for grants authorized under section 204.

11 (c) DATA COLLECTION.—

12 (1) NATIONAL PREPAREDNESS STUDY.—There
13 is authorized to be appropriated \$5,000,000 to carry
14 out section 301.

15 (2) ENERGY TRAIN DATA COLLECTION.—There
16 is authorized to be appropriated \$5,000,000 to carry
17 out section 303.

18 (3) TRAIN LENGTH STUDY.—There is author-
19 ized \$5,000,000 to carry out section 304.

20 (d) CERCLA.—There is authorized to be appro-
21 priated \$100,000,000 to carry out section 104 of the Com-
22 prehensive Environmental Response, Compensation, and
23 Liability Act of 1980 (42 U.S.C. 9604) only with respect
24 to actions attributable to releases of hazardous substances
25 (within the meaning of section 101 of such Act (42 U.S.C.

1 9601)) resulting from rail transportation of such haz-
2 arduous substances. Any sums so appropriated shall remain
3 available until expended.

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