

111<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 1013

To direct the Secretary of Transportation to establish and carry out a hazardous materials cooperative research program.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 12, 2009

Mr. CUMMINGS introduced the following bill; which was referred to the Committee on Science and Technology

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## A BILL

To direct the Secretary of Transportation to establish and carry out a hazardous materials cooperative research program.

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 “Hazardous Materials  
5        Cooperative Research Act of 2009”.

6        **SEC. 2. FINDINGS AND PURPOSES.**

7        Congress finds the following:

8                (1) There are more than 1,000,000 shipments  
9                per day in the United States of materials identified  
10               as hazardous by the Department of Transportation.

1 These shipments are estimated to total  
2 2,100,000,000 tons of hazardous cargo per year and  
3 to comprise more than 18 percent of the total  
4 freight tonnage moved in the United States annu-  
5 ally.

6 (2) Hazardous materials are shipped by all  
7 transportation modes, and it is estimated that there  
8 are currently 400,000 large trucks, 115,000 railroad  
9 tank cars, and 3,000 tank barges dedicated to the  
10 shipment of hazardous materials.

11 (3) More than a dozen Federal agencies have  
12 regulatory, enforcement, and operational responsibil-  
13 ities for ensuring the safety and security of haz-  
14 ardous materials shipments. In addition, a variety of  
15 State and local agencies have responsibility for de-  
16 veloping and enforcing State-level regulations and  
17 for responding to incidents involving hazardous ma-  
18 terials.

19 (4) Decisions regarding the packaging and  
20 routing of hazardous materials shipments, the devel-  
21 opment and implementation of procedures to ensure  
22 both the safety and security of such shipments, and  
23 the regulation of hazardous materials shipments are  
24 made by industry groups and government entities at  
25 a variety of levels and in all modal administrations

1 of the Department of Transportation on a daily  
2 basis.

3 (5) The Federal agencies involved in the regula-  
4 tion and oversight of hazardous materials shipments,  
5 as well as State and local governments, carriers,  
6 shippers, and other groups, conduct on-going re-  
7 search on the transportation of hazardous materials.  
8 However, much of this research is program or mode-  
9 specific and as such is focused on addressing only  
10 the regulatory, inspection, enforcement, or oper-  
11 ational needs of the group undertaking the research.

12 (6) There is a documented need for the estab-  
13 lishment of a cooperative research program that will  
14 engage all modes and actors, both public and pri-  
15 vate, involved in the transportation of hazardous  
16 materials in conducting cross-cutting assessments of  
17 hazardous materials transportation issues that are  
18 national and multi-modal in scope and application.

19 **SEC. 3. HAZARDOUS MATERIALS COOPERATIVE RESEARCH**  
20 **PROGRAM.**

21 (a) IN GENERAL.—The Secretary of Transportation  
22 shall establish and carry out a hazardous materials coop-  
23 erative research program in accordance with the require-  
24 ments of this section.

1 (b) GOVERNING BOARD.—The Secretary shall estab-  
2 lish an independent governing board to select projects and  
3 studies to be carried out under the hazardous materials  
4 cooperative research program. The governing board shall  
5 be comprised of one voting representative from each of the  
6 following:

- 7 (1) The Federal Aviation Administration.
- 8 (2) The Federal Motor Carrier Administration.
- 9 (3) The Federal Transit Administration.
- 10 (4) The Federal Railroad Administration.
- 11 (5) The Maritime Administration.
- 12 (6) The Research and Innovative Technology  
13 Administration.
- 14 (7) The Pipeline and Hazardous Materials  
15 Safety Administration.
- 16 (8) The Department of Homeland Security.
- 17 (9) The Department of Energy.
- 18 (10) The Environmental Protection Agency.
- 19 (11) A State department of transportation.
- 20 (12) A State emergency management agency.
- 21 (13) A nonprofit organization representing  
22 emergency responders.
- 23 (14) A hazmat employer.
- 24 (15) A nonprofit organization representing  
25 hazmat employees.

1           (16) A labor union representing members in-  
2           volved in shipping hazardous materials.

3           (17) A hazardous materials manufacturer.

4           (18) An organization representing the haz-  
5           ardous materials manufacturing industry.

6           (19) A research university or research institu-  
7           tion.

8           (20) Additional representatives as the Secretary  
9           considers appropriate.

10       (c) RESEARCH STUDIES.—Under the cooperative re-  
11       search program, the governing board shall select coopera-  
12       tive research studies of hazardous materials transpor-  
13       tation that are cross-cutting in nature and that consider  
14       issues not adequately addressed by existing Federal or pri-  
15       vate sector research programs. Priority shall be given to  
16       research studies that will yield results immediately appli-  
17       cable to risk analysis and mitigation or that will strength-  
18       en the ability of first responders to respond to incidents  
19       and accidents involving transportation of hazardous mate-  
20       rials.

21       (d) IMPLEMENTATION.—The Secretary shall make  
22       grants to, and enter a cooperative agreement with, the Na-  
23       tional Academy of Sciences to carry out projects and stud-  
24       ies under the cooperative research program.

1       (e) DEFINITIONS.—In this section, the terms  
2 “hazmat employer” and “hazmat employee” have the  
3 meanings given those terms in section 5102 of title 49,  
4 United States Code.

5       (f) AUTHORIZATION OF APPROPRIATIONS.—There is  
6 authorized to be appropriated to carry out this section  
7 \$5,000,000 for each of fiscal years 2010 through 2013.  
8 Such sums shall remain available until expended.

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