

113TH CONGRESS  
2D SESSION

# H. R. 5868

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

DECEMBER 11, 2014

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 1000 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 (5) Hazardous materials must be properly clas-  
4 sified for transportation, according to requirements  
5 from the Pipeline and Hazardous Materials Safety  
6 Administration (PHMSA).

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

9 (7) Due to serious mislabeling practices, the  
10 Department of Transportation's Emergency Order  
11 (Docket No. DOT-OST-2014-0025) from February  
12 2014 has forbidden the labeling of crude oil as PG  
13 III for transport and handling until further notice;  
14 shipments must be labeled as either PG I (most seri-  
15 ous hazard) or PG II (moderate hazard) for proper  
16 handling and transport of crude oil.

17 (8) PHMSA has found that crude oil from the  
18 Bakken region (in North Dakota, Montana, and  
19 Canada) is "more volatile than most other types of  
20 crude," and subsequently, more flammable.

21 (9) The samples that PHMSA tested from the  
22 Bakken region "displayed characteristics consistent  
23 with those of a Class 3 flammable liquid, PG I or  
24 II, with a predominance to PG I, the most dan-  
25 gerous class of Class 3 flammable liquids".

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

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

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

13          (13) The NTSB has recommended that routes  
14          transporting hazardous materials present the fewest  
15          overall safety and security risks by avoiding popu-  
16          lated areas.

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

19          (a) IN GENERAL.—Not later than 3 months after the  
20          date of enactment of this Act, the Secretary of Transpor-  
21          tation shall make appropriate arrangements with the  
22          Transportation Research Board of the National Acad-  
23          emies under which the Board shall conduct a study on  
24          the cost and impact of rerouting freight rail traffic con-

1 taining hazardous material to avoid transportation of such  
2 hazardous material through urban areas.

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

5 (1) the benefits of rerouting freight rail traffic  
6 containing hazardous material to alternate existing  
7 railroad routes that avoid urban areas, including  
8 benefits to the health and safety of the individuals  
9 living in such urban areas;

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

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

15 (4) the costs of taking the actions described in  
16 paragraphs (1) and (2).

17 (c) REPORT.—In entering into an arrangement under  
18 subsection (a), the Secretary shall request that the Board  
19 transmit to Congress a report on the results of the study  
20 not later than 21 months after the date of enactment of  
21 this Act.

22 (d) DEFINITIONS.—

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

1           (2) URBAN AREA.—The term “urban area”  
2           means an urban area, as designated by the Bureau  
3           of the Census, with a population of greater than  
4           30,000.

5           (e) AUTHORIZATION OF APPROPRIATIONS.—There  
6           are authorized to be appropriated \$850,000 to carry out  
7           this Act.

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