

119TH CONGRESS
2D SESSION

H. R. 7662

To enhance safety requirements for trains transporting hazardous materials,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 2026

Mr. NEHLS (for himself and Mr. MOULTON) introduced the following bill;
which was referred to the Committee on Transportation and Infrastruc-
ture, and in addition to the Committee on Science, Space, and Tech-
nology, for a period to be subsequently determined by the Speaker, in
each case for consideration of such provisions as fall within the jurisdic-
tion of the committee concerned

A BILL

To enhance safety requirements for trains transporting
hazardous materials, 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 “Railroad Safety Enhancement Act of 2026”.

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

Sec. 1. Short title; table of contents.

- Sec. 101. Definitions.
- Sec. 102. Safety requirements for high-hazard trains.
- Sec. 103. Ensuring the safety of long trains.
- Sec. 104. Blocked highway-rail grade crossings.
- Sec. 105. Inspections.
- Sec. 106. Emergency brake signals.
- Sec. 107. Defect detection systems.
- Sec. 108. Safe Freight Act of 2023.
- Sec. 109. Increased penalties for violations of rail safety regulations.
- Sec. 110. Safer tank cars.
- Sec. 111. Rail safety infrastructure research and development grants.
- Sec. 112. Authorization of appropriations for tank car research and development.
- Sec. 113. Federal Railroad Administration safety culture.
- Sec. 114. GAO report on roadway worker protections.
- Sec. 115. Federal Railroad Administration safety workforce management.
- Sec. 116. Office of Personnel Management review of safety inspector and specialist classifications.
- Sec. 117. Alcohol and drug testing.
- Sec. 118. Confidential close call reporting system.
- Sec. 119. AskRail application.
- Sec. 120. Increased funding for the railroad crossing elimination grant program.
- Sec. 121. Train approach warning.

TITLE II—HAZARDOUS MATERIALS EMERGENCY RESPONSE AND PREPAREDNESS

- Sec. 201. Hazardous materials registration fees.
- Sec. 202. Virtual training options.
- Sec. 203. Hazardous materials transportation emergency response and preparedness grants.
- Sec. 204. Emergency response assistance.

1 **TITLE I—RAIL SAFETY**

2 **SEC. 101. DEFINITIONS.**

3 In this title:

4 (1) IN GENERAL.—Except as otherwise pro-
 5 vided, terms used in this title have the definitions
 6 given such terms in section 20155 of title 49, United
 7 States Code, as amended by section 102(a).

8 (2) SECRETARY.—The term “Secretary” means
 9 the Secretary of Transportation.

1 **SEC. 102. SAFETY REQUIREMENTS FOR HIGH-HAZARD**
2 **TRAINS.**

3 (a) TANK CAR SAFETY REQUIREMENTS.—Section
4 20155 of title 49, United States Code, is amended to read
5 as follows:

6 **“§ 20155. High-hazard trains**

7 “(a) DEFINITIONS.—In this section:

8 “(1) EXPLOSIVES.—The term ‘explosives’
9 means Class 1 explosives categorized in Division 1.1,
10 1.2, or 1.3 (as such terms are defined in section
11 173.50 of title 49, Code of Federal Regulations).

12 “(2) FLAMMABLE GAS.—The term ‘flammable
13 gas’ has the meaning given such term in section
14 173.115(a) of title 49, Code of Federal Regulations.

15 “(3) FLAMMABLE LIQUID.—The term ‘flam-
16 mable liquid’ has the meaning given such term in
17 section 173.120(a) of title 49, Code of Federal Reg-
18 ulations.

19 “(4) HAZARDOUS MATERIAL.—The term ‘haz-
20 ardous material’ means a substance or material des-
21 ignated by the Secretary of Transportation as haz-
22 ardous pursuant to section 5103 of title 49, United
23 States Code.

24 “(5) HIGH-HAZARD TRAIN.—The term ‘high-
25 hazard train’ means a single train transporting,
26 throughout the train consist—

1 “(A) 20 or more tank cars loaded with a
2 flammable liquid;

3 “(B) 1 tank car or intermodal portable
4 tank load with a material toxic or poisonous by
5 inhalation;

6 “(C) 1 or more cars loaded with high-level
7 radioactive waste or spent nuclear fuel;

8 “(D) 10 or more cars loaded with explo-
9 sives;

10 “(E) 5 or more tank cars loaded with a
11 flammable gas; or

12 “(F) 20 or more cars loaded with any com-
13 bination of flammable liquids, flammable gases,
14 or explosives.

15 “(6) HIGH-LEVEL RADIOACTIVE WASTE; SPENT
16 NUCLEAR FUEL.—The terms ‘high-level radioactive
17 waste’ and ‘spent nuclear fuel’ have the meanings
18 given to a ‘type B package’ or a ‘fissile material
19 package’, respectively, in section 173.403 of title 49,
20 Code of Federal Regulations.

21 “(7) MATERIAL TOXIC OR POISONOUS BY INHA-
22 LATION.—The term ‘material toxic or poisonous by
23 inhalation’ has the meaning given the term ‘Material
24 poisonous by inhalation or Material toxic by inhala-

1 tion’ in section 171.8 of title 49, Code of Federal
2 Regulations.

3 “(b) RULEMAKING.—Not later than 1 year after the
4 date of the enactment of the Railroad Safety Enhance-
5 ment Act of 2026, the Secretary, in consultation with ap-
6 propriate Federal agencies, shall issue regulations that—

7 “(1) rescind the requirements set forth in para-
8 graphs (4) and (5) of section 174.310(a) of title 49,
9 Code of Federal Regulations, with respect to tank
10 cars carrying hazardous materials other than Class
11 3 flammable liquids;

12 “(2) revise the requirements set forth in section
13 174.310(a)(2) of title 49, Code of Federal Regula-
14 tions—

15 “(A) to limit all trains to a maximum
16 speed of 50 miles per hour; and

17 “(B) to limit high-hazard trains carrying
18 20 or more cars loaded with flammable liquids
19 to a maximum speed of 40 miles per hour while
20 that train travels within the limits of high-
21 threat urban areas (HTUAs) (as defined in
22 1508.3 of title 49, Code of Federal Regula-
23 tions), unless all tank cars containing a Class
24 3 flammable liquid meet or exceed the DOT
25 specification 117 standards, the DOT specifica-

tion 117P performance standards, or the DOT specification 117R retrofit standards set forth in subpart D of part 179 of title 49, Code of Federal Regulations, including DOT–105A, DOT–105H, DOT–105J, DOT–105S, DOT–112H, DOT–112J, DOT–112S, and DOT–120S tank cars;

“(3) require rail carriers operating high-hazard trains to comply with the requirements applicable to high-hazard flammable trains under section 174.310 of title 49, Code of Federal Regulations;

“(4) require any Class I railroad transporting hazardous materials—

“(A) to generate accurate, real-time, and electronic train consist information, including—

“(i) the identity, quantity, and location of hazardous materials on a train;

“(ii) the point of origin and destination of the train;

“(iii) any emergency response information or resources required by the Secretary; and

“(iv) an emergency response point of contact designated by the Class I railroad; and

1 “(B) to enter into a memorandum of un-
2 derstanding with each applicable fusion center
3 to provide the fusion center with secure and
4 confidential access to the electronic train con-
5 sist information described in subparagraph (A)
6 for each train transporting hazardous materials
7 in the jurisdiction of the fusion center;

8 “(5) require each Class I railroad to provide
9 commodity flow reports of the hazardous materials
10 transported by a high-hazard train to each State
11 emergency response commission, Tribal emergency
12 response commission, or other responsible State or
13 Tribal agency, consistent with the notification con-
14 tent requirements under section 174.312 of title 49,
15 Code of Federal Regulations (or a successor regula-
16 tion), including—

17 “(A) a reasonable estimate of the number
18 of high-hazard trains that are expected to trav-
19 el, per week, through each county within the
20 applicable jurisdiction;

21 “(B) updates to such estimate when mak-
22 ing a change in volume of 25 percent or more;

23 “(C) a description of the hazardous mate-
24 rials being transported on such trains;

1 “(D) applicable emergency response infor-
2 mation, as required by regulation;

3 “(E) identification of the routes over which
4 the hazardous materials on such trains will be
5 transported; and

6 “(F) a point of contact at the Class I rail-
7 road who—

8 “(i) has knowledge of the railroads’
9 transportation of hazardous materials; and

10 “(ii) is responsible for serving as the
11 point of contact for the State emergency
12 response commission, Tribal emergency re-
13 sponse commission, or other State or Trib-
14 al agency responsible for receiving such in-
15 formation;

16 “(6) require each applicable State emergency
17 response commission to provide to a political subdivi-
18 sion of a State, or the public agency responsible for
19 emergency response or law enforcement, upon re-
20 quest of the political subdivision or public agency,
21 the information the commission receives from a
22 Class I railroad pursuant to paragraph (3), includ-
23 ing, for any such political subdivision or public agen-
24 cy responsible for emergency response or law en-
25 forcement that makes an initial request for such in-

1 formation, any updates received by the State emer-
2 gency response commission;

3 “(7) prohibit any Class I railroad, employee, or
4 agent from withholding, or causing to be withheld,
5 the train consist information from first responders,
6 emergency response officials, Federal and State
7 agencies, and law enforcement personnel described
8 in paragraph (2)(B) who are responding to an inci-
9 dent, accident, or public health or safety emergency
10 involving the rail transportation of hazardous mate-
11 rials; and

12 “(8) establish security and confidentiality pro-
13 tections, in coordination with the Secretary of
14 Homeland Security, including protections from the
15 public release of proprietary information or security
16 sensitive information (as defined in section 15.5 of
17 title 49, Code of Federal Regulations), to prevent
18 the release to unauthorized persons any electronic
19 train consist information or advanced notification or
20 information provided by Class I railroads under this
21 section.

22 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
23 tion may be construed to prohibit a Class I railroad from
24 voluntarily entering into a memorandum of understanding
25 with a State emergency response commission or an entity

1 representing or including first responders, emergency re-
2 sponse officials, and law enforcement personnel.

3 “(d) SAFETY IMPROVEMENTS.—Not later than 1
4 year after the date of the enactment of the Railroad Safety
5 Enhancement Act of 2026, the Secretary shall evaluate
6 and update, to the extent necessary for safety and in com-
7 pliance with Executive Order 12866 (5 U.S.C. 601 note;
8 relating to regulatory planning and review), the oper-
9 ational requirements for high-hazard trains to ensure the
10 safe transportation of hazardous materials by rail, includ-
11 ing—

12 “(1) preventing the placement of blocks of
13 empty railcars in locations within the consist of the
14 train that increase the chance or severity of a derail-
15 ment; and

16 “(2) requirements for an adequate number of
17 buffer cars between a locomotive or railcar and tank
18 cars transporting hazardous materials.

19 “(e) HAZARDOUS MATERIALS EMERGENCY RE-
20 SPONSE PLANS.—

21 “(1) PLAN CONTENTS.—The Secretary shall
22 promulgate regulations, in compliance with Execu-
23 tive Order 12866, requiring all Class I railroads that
24 operate high-hazard trains to submit to the Sec-
25 retary hazardous materials emergency response

1 plans that are consistent with the format of the Na-
2 tional Response Team ‘One Plan’. Such plans shall
3 include—

4 “(A) consideration of potential hazardous
5 materials release for the hazardous materials
6 identified under subsection (a)(7) that the rail-
7 road is transporting;

8 “(B) identification of the railroad’s haz-
9 ardous materials response teams that can
10 quickly respond to a release or potential release
11 within a reasonable amount of time;

12 “(C) identification of the equipment and
13 resources available to the hazardous materials
14 response teams;

15 “(D) organizational charts for the haz-
16 ardous materials response teams; and

17 “(E) plans to facilitate hazardous mate-
18 rials release liability claims.

19 “(2) COORDINATION.—Railroads shall coordi-
20 nate with relevant States and Tribes when creating
21 the plans required under paragraph (1).

22 “(3) TRIENNIAL REVIEW.—Not later than 1
23 year after a Class I railroad submits a hazardous
24 materials emergency response plan pursuant to
25 paragraph (1), and on a triennial basis thereafter,

1 the Secretary shall review such plan. If the Sec-
2 retary identifies deficiencies during such review, the
3 Secretary shall describe the nature of any defi-
4 ciencies and allow for correction.

5 “(4) VERIFICATION.—The Secretary shall peri-
6 odically audit a railroad’s hazardous materials emer-
7 gency response plan.”.

8 (b) CLERICAL AMENDMENT.—The analysis in chap-
9 ter 201 of title 49, United States Code, is amended by
10 inserting after the item relating to section 20154 the fol-
11 lowing: “20155. High-hazard trains.”.

12 **SEC. 103. ENSURING THE SAFETY OF LONG TRAINS.**

13 (a) REVIEWING AND UPDATING SAFETY REGULA-
14 TIONS.—Not later than 1 year after the date on which
15 the Secretary submits to Congress the report required
16 under section 22422(d) of the Passenger Rail Expansion
17 and Rail Safety Act of 2021 (title II of division B of Pub-
18 lic Law 117–58), the Secretary shall independently evalu-
19 ate any safety concerns identified in the Comptroller Gen-
20 eral’s report titled “Freight Trains Are Getting Longer,
21 and Additional Information Is Needed to Assess Their Im-
22 pact” (GAO–19–443) and in the report required under
23 section 22422(d) of the Passenger Rail Expansion and
24 Rail Safety Act of 2021, by reviewing and subsequently
25 updating, if necessary for safety and in compliance with

1 Executive Order 12866 (5 U.S.C. 601 note; relating to
2 regulatory planning and review), existing safety regula-
3 tions to ensure the safe transportation of goods and pas-
4 sengers by rail, including consideration of the impact that
5 train length and weight have on the safe transportation
6 of high-hazard trains.

7 (b) REPORT.—Not later than 3 years after the date
8 on which the Secretary submits the report required under
9 subsection (a), if the Secretary has not addressed any rec-
10 ommendation contained within such report, the Secretary
11 shall submit a report to the Committee on Commerce,
12 Science, and Transportation of the Senate and the Com-
13 mittee on Transportation and Infrastructure of the House
14 of Representatives that justifies such inaction.

15 (c) REPORTING REQUIREMENT.—

16 (1) IN GENERAL.—The Secretary shall revise
17 the existing railroad accident or incident reporting
18 forms to require railroads to report the weight trail-
19 ing tonnages of any train involved in a reportable
20 accident or incident.

21 (2) PUBLICATION.—The Federal Railroad Ad-
22 ministration shall publish on its Rail Safety Data
23 website a summary of all reportable incidents and
24 accidents, categorized by train length and weight.

1 **SEC. 104. BLOCKED HIGHWAY-RAIL GRADE CROSSINGS.**

2 (a) STUDY.—The Secretary shall seek to enter into
3 an agreement with the National Academy of Sciences
4 under which the National Academy shall—

5 (1) conduct a study of 20 most frequently
6 blocked highway-rail grade crossings in not fewer
7 than 10 different States, as determined by the Sec-
8 retary based on—

9 (A) Federal Railroad Administration data;

10 (B) the work experience of the Office of
11 Railroad Safety’s Grade Crossing and Tres-
12 passer Outreach Division;

13 (C) data from the blocked highway-rail
14 grade crossing portal; and

15 (D) geographic diversity; and

16 (2) provide recommendations to the Secretary
17 for solutions in preventing or reducing occurrences
18 or repeated occurrences where highway-rail grade
19 crossings are blocked for extended periods.

20 (b) MEMBERS.—In establishing the membership to
21 conduct the study described in subsection (a)(1), the Na-
22 tional Academy of Sciences shall appoint not fewer than
23 3 of its members who—

24 (1) are engineering or rail experts;

25 (2) are not railroad carriers, or entities funded
26 by railroad carriers;

1 (3) have relevant experience in railroad safety
2 technology or railroad operating experience; and

3 (4) have no financial ties to the rail industry.

4 (c) ELEMENTS.—The study conducted pursuant to
5 subsection (a)(1) shall—

6 (1) examine any potential impacts to railroad
7 and community safety due to blocked highway-rail
8 grade crossings;

9 (2) identify potential financial impacts incurred
10 by the railroad or its customers due to blocked
11 crossings;

12 (3) identify potential freight network efficiency
13 impacts due to solutions that will reduce or elimi-
14 nate the impacts of blocked crossings;

15 (4) examine community impacts that result
16 from blocked crossings;

17 (5) examine causes for blocked crossings;

18 (6) examine the potential impacts on railroad
19 operations of the recommendations made in the re-
20 port submitted pursuant to subsection (c), including
21 reliability of service to customers; and

22 (7) identify practical solutions to prevent
23 blocked crossings.

24 (d) REPORT.—Not later than 2 years after the date
25 of the enactment of this Act, the Secretary shall submit

1 a report to the Committee on Commerce, Science, and
2 Transportation of the Senate and the Committee on
3 Transportation and Infrastructure of the House of Rep-
4 resentatives that contains the results of the study con-
5 ducted by the National Academy of Sciences pursuant to
6 this section.

7 (e) FUNDING.—From the amounts appropriated for
8 fiscal year 2026 to carry out section 20108 of title 49,
9 United States Code, the Secretary shall expend such sums
10 as may be necessary, but not more than \$2,000,000, to
11 carry out the study required under this section.

12 (f) RAILROAD CROSSING ELIMINATION PROGRAM.—
13 Section 22909 of title 49, United States Code, is amend-
14 ed—

15 (1) in subsection (f)(2)(C)—

16 (A) in clause (i), by striking “or” after the
17 semicolon;

18 (B) in clause (ii), by inserting “or” after
19 the semicolon at the end; and

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

21 “(iii) a bus route to a school or within
22 1 mile of a school;”; and

23 (2) in subsection (g)—

24 (A) by striking “Except” and inserting the
25 following:

1 “(1) IN GENERAL.—Except”; and

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

3 “(2) CERTAIN BUS ROUTES.—The Federal
4 share of the cost of a project given additional consid-
5 eration under subsection (f)(2)(C)(iii) may not ex-
6 ceed 85 percent.”.

7 (g) RAILROAD POINT OF CONTACT FOR BLOCKED
8 CROSSINGS.—

9 (1) IN GENERAL.—Not later than 180 days
10 after the date of the enactment of this Act, each
11 railroad carrier shall establish and maintain a toll-
12 free telephone service for rights-of-way over which
13 the railroad carrier dispatches trains to directly re-
14 ceive calls reporting blocked highway-rail grade
15 crossings.

16 (2) USE OF EXISTING NUMBER.—A railroad
17 carrier may comply with the requirement under sub-
18 section (a) by using the telephone number that is
19 being used to comply with section 20152(a)(1) of
20 title 49, United States Code.

21 (3) PUBLICLY AVAILABLE.—Each railroad car-
22 rier subject to this subsection shall notify the Sec-
23 retary of the telephone number referred to in para-
24 graph (1) or (2), who shall post such number on a

1 publicly available website of the Department of
2 Transportation.

3 (4) WAIVER.—The Secretary may waive the re-
4 quirement that the telephone service be toll-free for
5 Class II and Class III rail carriers if the Secretary
6 determines that toll-free service would be cost pro-
7 hibitive or unnecessary.

8 **SEC. 105. INSPECTIONS.**

9 (a) TIME AVAILABLE FOR INSPECTION.—

10 (1) IN GENERAL.—Subchapter II of chapter
11 201 of title 49, United States Code, is amended by
12 adding at the end the following:

13 **“§ 20172. Time available for inspection**

14 “(a) IN GENERAL.—No railroad may limit the time
15 required for an employee to complete a railcar, locomotive,
16 or brake inspection to ensure that each railcar, locomotive,
17 and brake system complies with safety laws and regula-
18 tions.

19 “(b) REQUIREMENT.—Employees shall perform their
20 inspection duties promptly and shall not delay other than
21 for reasons related to safety.”.

22 (2) CLERICAL AMENDMENT.—The analysis for
23 subchapter II of chapter 201 of title 49, United
24 States Code, is amended by adding at the end the
25 following: “20172. Time available for inspection.”.

1 (b) PRE-DEPARTURE RAILCAR INSPECTIONS.—Not
2 later than 120 days after the date of the enactment of
3 this Act, the Secretary shall amend the pre-departure in-
4 spection requirements for Class I railroads under part 215
5 of title 49, Code of Federal Regulations (as written on
6 such date of enactment)—

7 (1) to ensure that after initial consultation with
8 the Federal Railroad Administration, and after each
9 subsequent annual consultation, each railroad identi-
10 fies inspection locations and, at such locations, has
11 inspectors designated under part 215 available for
12 the purpose of inspecting freight cars;

13 (2) to ensure that all freight cars are inspected
14 by an inspector designated under part 215 at a des-
15 ignated inspection location in the direction of travel
16 as soon as practicable; and

17 (3) to require each railroad that operates rail-
18 road freight cars to which such part 215 applies to
19 designate persons qualified to inspect railroad
20 freight railcars, subject to any existing collective
21 bargaining agreement, for compliance and deter-
22 minations required under such part.

23 (c) QUALIFIED LOCOMOTIVE INSPECTIONS.—Not
24 later than 1 year after the date of the enactment of this
25 Act, the Secretary shall review and amend, as necessary,

1 regulations under chapters 229 and 243 of title 49, Code
2 of Federal Regulations—

3 (1) to ensure appropriate training qualifications
4 and proficiency of employees, including qualified me-
5 chanical inspectors, performing locomotive inspec-
6 tions; and

7 (2) for locomotives in service on a Class I rail-
8 road, to require an additional daily inspection to be
9 performed by a qualified mechanical inspector be-
10 tween the current intervals under section
11 229.23(b)(2) of title 49, Code of Federal Regula-
12 tions.

13 (d) AUDITS.—

14 (1) IN GENERAL.—Not later than 60 days after
15 the date of the enactment of this Act, the Secretary
16 shall initiate audits of Federal railcar, locomotive,
17 and train brake system inspection compliance with
18 chapter II of subtitle B of title 49, Code of Federal
19 Regulations, which—

20 (A) consider whether the railroad has in
21 place procedures necessary for railcar, loco-
22 motive, and train brake system inspection com-
23 pliance under such chapter;

24 (B) assess the type, content, and adequacy
25 of training and performance metrics the rail-

1 road provides employees who perform railcar,
2 locomotive, and train brake system inspections,
3 including the qualifications specified for such
4 employees;

5 (C) determine whether the railroad has
6 practices that would interfere with an employ-
7 ee's responsibility to perform an inspection
8 safely;

9 (D) determine whether railcars, loco-
10 motives, and train brake systems are inspected
11 on the railroad's network in accordance with
12 such chapter;

13 (E) involve proper communication of iden-
14 tified defects to railroad personnel and make
15 appropriate use of remedial action reports to
16 verify that repairs are made;

17 (F) determine whether managers coerce
18 employees to sign off on any documents
19 verifying an inspection or repair of a railcar, lo-
20 comotive, or train brake system;

21 (G) determine whether the railroad's in-
22 spection procedures reflect the current oper-
23 ating practices of the railroad carrier; and

24 (H) ensure that railroad inspection proce-
25 dures only provide for the use of persons per-

1 mitted to perform each relevant inspection
2 under such chapter.

3 (2) AUDIT SCHEDULING.—The Secretary
4 shall—

5 (A) schedule the audits required under
6 paragraph (1) to ensure that—

7 (i) every Class I railroad is audited
8 not less frequently than once every 5 years;
9 and

10 (ii) a limited number, as determined
11 by the Secretary, of Class II and Class III
12 railroads are audited annually, provided
13 that—

14 (I) no audit of a tourist, scenic,
15 historic, or excursion operation may
16 be required under this subsection; and

17 (II) no other Class II or III rail-
18 road may be audited more frequently
19 than once every 5 years; and

20 (B) conduct the audits described in sub-
21 paragraph (A)(ii) in accordance with—

22 (i) the Small Business Regulatory En-
23 forcement Fairness Act of 1996 (5 U.S.C.
24 601 note); and

1 (ii) appendix C of part 209 of title 49,
2 Code of Federal Regulations.

3 (3) UPDATES TO INSPECTION PROGRAM AND
4 PROCEDURES.—If, during an audit required under
5 this subsection, the auditor identifies a deficiency in
6 a railroad's procedures or practices necessary to en-
7 sure compliance with chapter II of subtitle B of title
8 49, Code of Federal Regulations, the railroad shall
9 eliminate such deficiency, after first being provided
10 the opportunity to address whether such a deficiency
11 exists.

12 (4) CONSULTATION AND COOPERATION.—

13 (A) CONSULTATION.—In conducting any
14 audit required under this subsection, the Sec-
15 retary shall consult with the railroad being au-
16 dited and its employees, including any nonprofit
17 employee labor organization representing the
18 employees of the railroad that conduct railcar,
19 locomotive, or train brake system inspections.

20 (B) COOPERATION.—The railroad being
21 audited and its employees, including any non-
22 profit employee labor organization representing
23 mechanical employees, shall fully cooperate with
24 any audit conducted pursuant to this sub-
25 section—

1 (i) by providing any relevant docu-
2 ments requested; and

3 (ii) by making available any employees
4 for interview without undue delay or ob-
5 struction.

6 (C) FAILURE TO COOPERATE.—If the Sec-
7 retary determines that a railroad or any of its
8 employees, including any nonprofit employee
9 labor organization representing mechanical em-
10 ployees of the railroad is not fully cooperating
11 with an audit conducted pursuant to this sub-
12 section, the Secretary shall electronically notify
13 the Committee on Commerce, Science, and
14 Transportation of the Senate and the Com-
15 mittee on Transportation and Infrastructure of
16 the House of Representatives of such non-
17 cooperation.

18 (e) REVIEW OF REGULATIONS.—Not later than 5
19 years after the date of the enactment of this Act, and peri-
20 odically thereafter, the Secretary shall determine whether
21 any update to chapters I and II of subtitle B of title 49,
22 Code of Federal Regulations, is necessary to ensure the
23 adequacy of railcar, locomotive, and train brake system
24 inspections.

1 (f) ANNUAL REPORT.—The Secretary shall publish
2 an annual report on the public website of the Federal Rail-
3 road Administration that—

4 (1) summarizes the findings of the audits con-
5 ducted pursuant to subsection (c) during the most
6 recently concluded fiscal year;

7 (2) summarizes any updates made to chapter I
8 or II of subtitle B of title 49, Code of Federal Regu-
9 lations, pursuant to this section; and

10 (3) excludes any confidential business informa-
11 tion or sensitive security information.

12 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
13 tion may be construed—

14 (1) to provide the Secretary with any authority
15 to interpret, revise, alter, or apply a collectively bar-
16 gained agreement, nor any authority over collective
17 bargaining, collectively bargained agreements, or any
18 aspect of the Railway Labor Act (45 U.S.C. 151 et
19 seq.);

20 (2) to alter the terms or interpretations of ex-
21 isting collective bargaining agreements; or

22 (3) to abridge any procedural rights or rem-
23 edies provided under a collectively bargained agree-
24 ment.

1 **SEC. 106. EMERGENCY BRAKE SIGNALS.**

2 (a) IN GENERAL.—Not later than 30 days after the
3 date of the enactment of this Act, the Administrator of
4 the Federal Railroad Administration shall convene a meet-
5 ing of the Railroad Safety Advisory Committee for the
6 purpose of considering a regulatory safety task on the
7 functioning of emergency brake signals.

8 (b) PURPOSE.—The Railroad Safety Advisory Com-
9 mittee shall consider—

10 (1) the sufficiency of the regulations under part
11 232 of title 49, Code of Federal Regulations, with
12 regard to end-of-train and head-of-train device com-
13 munications;

14 (2) whether National Transportation Safety
15 Board Safety Recommendations R–20–028 and R–
16 20–029 have been adequately addressed;

17 (3) whether more frequent communication
18 checks between a head-of-train device and an end-of-
19 train device would improve rail safety; and

20 (4) whether repetition of the emergency brake
21 signal transmission until it is received by the end-of-
22 train device would improve rail safety.

23 (c) RECOMMENDATIONS AND WORK PLAN.—Not
24 later than 90 days after the meeting is convened pursuant
25 to subsection (a), a working group of the Railroad Safety
26 Advisory Committee should—

1 (1) develop initial recommendations with re-
 2 spect to the matters considered under subsection (b);
 3 and

4 (2) complete a work plan for implementing such
 5 recommendations.

6 **SEC. 107. DEFECT DETECTION SYSTEMS.**

7 (a) IN GENERAL.—Subchapter II of chapter 201 of
 8 title 49, United States Code, as amended by section
 9 105(a)(1), is further amended by adding at the end the
 10 following:

11 **“§ 20173. Defect detection systems**

12 “(a) DEFINITIONS.—In this section:

13 “(1) COVERED RAIL CARRIER.—The term ‘cov-
 14 ered rail carrier’ has the meaning given the term
 15 ‘Class I carrier’ in section 10102.

16 “(2) DEFECT DETECTION SYSTEM.—The term
 17 ‘defect detection system’ means the use of defect de-
 18 tectors, the analysis of the data defect detectors
 19 produce, and any other aspects a system that help
 20 railroads identify and understand the severity of
 21 known safety conditions.

22 “(3) DEFECT DETECTOR.—The term ‘defect de-
 23 tector’ means any device or equipment situated with-
 24 in the rail system that can detect and communicate
 25 a potential or known safety condition.

1 “(4) HIGH-HAZARD TRAIN.—The term ‘high-
2 hazard train’ has the meaning given such term in
3 section 20155(a)(6).

4 “(5) MAIN LINE.—The term ‘main line’
5 means—

6 “(A) a segment or route of railroad
7 tracks—

8 “(i) over which 5,000,000 or more
9 gross tons of railroad traffic is transported
10 annually; and

11 “(ii) that has a maximum authorized
12 speed for freight trains in excess of 25
13 miles per hour; and

14 “(B) intercity rail passenger transportation
15 or commuter rail passenger transportation
16 routes or segments over which high-hazard
17 trains operate.

18 “(6) PHYSICAL CHARACTERISTICS.—The term
19 ‘physical characteristics’ means the physical terrain
20 and operating considerations related to the physical
21 terrain for the relevant main line.

22 “(b) DEFECT DETECTOR ANALYSIS PROGRAM.—The
23 Secretary shall develop a program for the research, devel-
24 opment, testing, and evaluation of defect detector systems
25 to inform and support the rulemaking required under sub-

1 section (d) and the evaluation of plans under subsection
2 (c), which shall include—

3 “(1) an evaluation of existing manufacturer rec-
4 ommended practices, industry-developed voluntary
5 consensus technical standards, and railroad safety
6 data to inform appropriate standards for commer-
7 cially available defect detector systems and ensure
8 the integrity and reliability of their use on the gen-
9 eral railroad system, including standards relating
10 to—

11 “(A) maintenance;

12 “(B) testing;

13 “(C) inspection; and

14 “(D) installation;

15 “(2) an assessment of existing alert thresholds
16 and trending algorithms to determine appropriate
17 metrics and levels to ensure that defect detector sys-
18 tems identify unsafe equipment or operations in time
19 to take appropriate safety actions;

20 “(3) an evaluation of existing processes and
21 procedures for decisionmaking and communication
22 of appropriate safety actions necessary to address
23 unsafe equipment or operations, including—

24 “(A) stoppage of rail equipment;

25 “(B) setting out rail equipment;

1 “(C) train speed reduction;

2 “(D) diverting a train; and

3 “(E) inspection requirements;

4 “(4) research to understand the capabilities and
5 limitations of existing technologies in use or devel-
6 oped to better assess the plans required under the
7 final rule issued pursuant to subsection (c); and

8 “(5) research to understand new or developing
9 technologies.

10 “(c) PLAN ELEMENTS.—

11 “(1) RISK-BASED.—Each defect detection sys-
12 tem plan required under the final rule issued pursu-
13 ant to subsection (d) shall be risk-based.

14 “(2) CONTENTS.—Each plan referred to in
15 paragraph (1) shall include—

16 “(A) a summary of the railroad’s proposed
17 defect detector network, including—

18 “(i) how the network will reduce the
19 risk of incidents near population centers
20 and on high-hazard train routes; and

21 “(ii) a description of how the network
22 will be implemented by the deadline set
23 forth in subsection (d)(1)(B);

24 “(B) a description of how the railroad’s de-
25 fect detection system meets or exceeds the de-

1 fect detection performance standards described
2 in subsection (d)(1)(D);

3 “(C) except as provided in paragraph (3),
4 a risk-based approach for identifying overheated
5 wheel bearings that require the placement of
6 the types and spacing of defect detectors—

7 “(i) for main lines traveling within an
8 urbanized area with a population of at
9 least 75,000, at a distance that provides
10 for any train operating along the railroad’s
11 route to undergo detection not less than 10
12 miles before entering such an area;

13 “(ii) for main lines not equipped with
14 acoustic bearing detectors or other similar
15 technology, at a distance averaging 15
16 route miles to the extent possible based on
17 the physical characteristics of the route;
18 and

19 “(iii) for main lines equipped with
20 acoustic bearing detectors or other similar
21 technology, at a distance averaging 20
22 route miles to the extent possible based on
23 the physical characteristics of the route
24 along which such detectors are being in-
25 stalled;

1 “(D) the types and spacing of other way-
2 side defect detectors required to be placed, to
3 the extent such detectors are utilized;

4 “(E) the manufacturer’s expected perform-
5 ance for each type of defect detector and how
6 the carrier will assess compliance with such per-
7 formance;

8 “(F) procedures for promptly providing
9 pertinent safety alerts to train employees, in-
10 cluding locomotive engineers and conductors,
11 train dispatchers, and relevant maintenance em-
12 ployees;

13 “(G) the ability to share relevant safety
14 data from the defect detector network with
15 other railroad carriers and with railcar owners;

16 “(H) policies and procedures for training
17 employees regarding relevant elements of the
18 defect detector system, including—

19 “(i) persons whose duties include in-
20 stalling, maintaining, repairing, modifying,
21 inspecting, reviewing data, and testing
22 safety-critical elements of the railroad’s de-
23 fect detector, including central office, way-
24 side, or onboard subsystems;

1 “(ii) persons who receive and review
2 defect detector alerts; and

3 “(iii) persons who operate trains or
4 serve as a train or engine crew member;

5 “(I) policies for maintaining
6 records regarding the required ele-
7 ments of the rail defect detector net-
8 work for not less than 5 years, which
9 shall not include data on individual
10 alerts; and

11 “(J) designs for the collection and anal-
12 ysis, including applicable alerts, thresholds, and
13 corresponding safety actions.

14 “(3) ALTERNATIVE HOT BEARING DETECTION
15 PLAN.—

16 “(A) SUBMISSION.—A rail carrier may
17 comply with an alternative hot bearing detec-
18 tion plan instead of the requirements described
19 in paragraph (2)(C) if—

20 “(i) the rail carrier submits such plan
21 to the Secretary and the Secretary ap-
22 proves the plan; and

23 “(ii) the plan provides an equivalent
24 or higher level of safety as the require-
25 ments described in paragraph (2)(B).

1 “(B) TRIENNIAL REVIEWS.—Not less fre-
2 quently than triennially, the Secretary shall re-
3 view each alternative plan approved pursuant to
4 subparagraph (A) to determine its continuing
5 effectiveness at detecting bearing-related de-
6 fects.

7 “(d) RULEMAKING.—

8 “(1) IN GENERAL.—Not later than 1 year after
9 the date of the enactment of the Railroad Safety
10 Enhancement Act of 2026, the Secretary shall ini-
11 tiate a rulemaking, and not later than 2 years after
12 such date of enactment, the Secretary shall issue a
13 final rule, in compliance with Executive Order
14 12866 (5 U.S.C. 601 note; relating to regulatory
15 planning and review), that—

16 “(A) requires covered rail carriers to sub-
17 mit, not later than 1 year after the issuance of
18 such final rule, defect detector network plans
19 that include the elements described in sub-
20 section (c)(2);

21 “(B) requires the covered rail carrier to
22 implement the plan required under paragraph
23 (1) not later than 3 years after the issuance of
24 such final rule;

1 “(C) creates procedures to review, approve,
2 and monitor compliance of such plans;

3 “(D) establishes performance standards
4 measured by the ability of a defect detection
5 system to identify defects before a condition
6 that is likely to result in an accident or inci-
7 dent, including how such ability will be meas-
8 ured and reported for data related to require-
9 ments;

10 “(E) requires the reporting of data regard-
11 ing the defect detector network effectiveness, in-
12 cluding defect detector failures;

13 “(F) creates requirements for covered rail
14 carriers to test, inspect, and maintain any de-
15 fect detector based on the evaluation completed
16 pursuant to subsection (b)(1); and

17 “(G) establish appropriate thresholds for
18 alerts and corresponding safety actions, to the
19 extent necessary.

20 “(2) UPDATED STANDARDS.—The performance
21 standards established pursuant to paragraph (1)(D)
22 shall be updated not less frequently than once every
23 5 years.

24 “(e) UPDATES AND APPROVALS.—

1 “(1) UPDATES.—Each entity subject to the
2 mandate in subsection (a) shall update the plans re-
3 quired under subsection (d)(1)—

4 “(A) to reflect material changes to its rail-
5 car defect detector network; or

6 “(B) to address changes made to the per-
7 formance standards pursuant to subsection
8 (d)(2).

9 “(2) APPROVALS.—To ensure safety, the Sec-
10 retary shall promptly review each plan submitted
11 pursuant to subsection (d)(1), including the suffi-
12 ciency of the performance standards required under
13 subsection (c)(1)(D), and approve or reject each
14 plan and update that is required to be submitted
15 under this section.

16 “(3) REVIEWS FOR COMPLIANCE.—Not less fre-
17 quently than biannually, the Secretary shall conduct
18 reviews to ensure that railroad carriers are com-
19 plying with the plans required under paragraph (1).

20 “(4) PUBLIC AVAILABILITY.—Not later than 60
21 days after receipt, the Secretary shall make available
22 to the public on the website of the Department of
23 Transportation any plan or update submitted pursu-
24 ant to this section, but the Secretary shall redact—

1 “(A) proprietary information, as verified
2 by the Secretary; and

3 “(B) security-sensitive information, includ-
4 ing information described in section 1520.5(a)
5 of title 49, Code of Federal Regulations (or suc-
6 cessor regulation), as verified by the Secretary.

7 “(f) ENFORCEMENT.—The Secretary may assess a
8 civil penalty under chapter 213 of this title for any viola-
9 tion pursuant to the rulemaking under subsection (a)
10 for—

11 “(1) each accident or incident on a route where
12 the railroad is noncompliant with the plan approved
13 under subsection (e)(2); and

14 “(2) failing to take any corresponding safety
15 action to an alert as set forth in the approved plan
16 pursuant to subsection (c)(2)(J).

17 “(g) PRESERVATION OF AUTHORITY.—Nothing in
18 this section may be construed to restrict the authority of
19 the Secretary.”.

20 (b) CLERICAL AMENDMENT.—The analysis for sub-
21 chapter II of chapter 201 of title 49, United States Code,
22 as amended by section 105(a)(2), is further amended by
23 adding at the end the following: “20173. Defect detection
24 systems.”.

1 (c) TEMPORARY DEFECT DETECTION ASSIST-
2 ANCE.—

3 (1) FORMULA GRANT PROGRAM.—The Adminis-
4 trator of the Federal Railroad Administration shall
5 establish a formula grant program to assist com-
6 muter railroads with installing defect detection tech-
7 nology.

8 (2) ELIGIBLE ENTITIES.—A commuter railroad
9 that has a contract with a Class I railroad, as of
10 May 1, 2023, that requires the commuter railroad to
11 install defect detection technology that complies with
12 the approved plan submitted pursuant to section
13 20173 of title 49, United States Code, is eligible to
14 receive a grant under this subsection.

15 (3) FORMULA.—Grant funding under this sub-
16 section shall be allocated based on the number of de-
17 fect detectors required to be installed to comply with
18 section 20173 of title 49, United States Code.

19 (4) REQUIREMENTS.—Any eligible entity that
20 receives grant funding under this subsection shall
21 comply with the grant conditions set forth in such
22 section 22909(j).

23 (5) AUTHORIZATION OF APPROPRIATIONS.—
24 There is authorized to be appropriated to the Fed-
25 eral Railroad Administration such amounts as may

1 be necessary to carry out the formula grant program
2 under this subsection.

3 **SEC. 108. SAFE FREIGHT ACT OF 2023.**

4 (a) SHORT TITLE.—This section may be cited as the
5 “Safe Freight Act of 2023”.

6 (b) FREIGHT TRAIN CREW SIZE.—Subchapter II of
7 chapter 201 of title 49, United States Code, is amended
8 by inserting after section 20153 the following:

9 **“§ 20154. Freight train crew size safety standards**

10 “(a) MINIMUM CREW SIZE.—Except as provided in
11 subsections (b) and (c), a freight train operated by a Class
12 I railroad may not be operated without a 2-person crew
13 consisting of at least 1 appropriately qualified and cer-
14 tified conductor and 1 appropriately qualified and certified
15 locomotive engineer.

16 “(b) EXCEPTIONS.—

17 “(1) IN GENERAL.—Except as provided in para-
18 graph (2), the requirement under subsection (a)
19 shall not apply with respect to—

20 “(A) train operations on track that is not
21 a main line track (as defined in section
22 20173(a)(2));

23 “(B) locomotives performing assistance to
24 a train that has incurred mechanical failure or
25 lacks the power to traverse difficult terrain, in-

cluding traveling to or from the location where
assistance is provided;

“(C) locomotives that—

“(i) are not attached to any equipment or are attached only to a caboose;
and

“(ii) do not travel farther than 50
miles from the point of origin of such locomotive; and

“(D) train operations staffed with fewer
than a 2-person crew at least 1 year before the
date of the enactment of the Safe Freight Act
of 2023 unless the Secretary determines that
such operations do not achieve an equivalent
level of safety as would result from compliance
with the requirement under subsection (a).

“(2) TRAINS INELIGIBLE FOR EXCEPTION.—

The exceptions under paragraph (2) may not be applied to—

“(A) a high-hazard train (as defined in
section 20155(a)); or

“(B) a train consist with a total length of
at least 7,500 feet.

1 “(c) WAIVER.—A railroad carrier may seek a waiver
2 of the requirements under subsection (a) in accordance
3 with section 20103(d).

4 “(d) PRESERVATION OF AUTHORITY.—Nothing in
5 this section may be construed to restrict the authority of
6 the Secretary.”.

7 (c) CLERICAL AMENDMENT.—The analysis for sub-
8 chapter II of chapter 201 of title 49, United States Code,
9 is amended by inserting after the item relating to section
10 20153 the following: “20154. Freight train crew size safe-
11 ty standards.”.

12 **SEC. 109. INCREASED PENALTIES FOR VIOLATIONS OF RAIL**
13 **SAFETY REGULATIONS.**

14 (a) RAILROAD SAFETY VIOLATIONS.—Section
15 21301(a) of title 49, United States Code, is amended—

16 (1) by striking paragraphs (1) and (2) and in-
17 serting the following:

18 “(1) A person may not fail to comply with a re-
19 quirement of, a regulation prescribed under, or an
20 order issued by, the Secretary under chapters 201
21 through 211. Subject to section 21304, a person vio-
22 lating a requirement of, a regulation prescribed
23 under, or an order issued by, the Secretary under
24 chapters 201 through 211 is liable to the United
25 States Government for a civil penalty. An act by an

1 individual that causes a railroad carrier to be in vio-
2 lation constitutes a violation of this paragraph. A
3 separate violation occurs for each day such violation
4 continues.

5 “(2) The Secretary shall include in, or make
6 applicable to, each requirement of, regulation pre-
7 scribed under, and order issued under chapters 201
8 through 211 a civil penalty for a violation of such
9 requirement, regulation, or order in an amount equal
10 to—

11 “(A) at least \$5,000 and not more than
12 \$1,000,000; or

13 “(B) if the person committing such viola-
14 tion is a small business concern (as such term
15 is used in part 121 of title 13, Code of Federal
16 Regulations (or a successor regulation)), includ-
17 ing a Class III railroad, at least \$1,000 and not
18 more than \$200,000.”;

19 (2) by redesignating paragraphs (3) and (4) as
20 paragraphs (5) and (6), respectively;

21 (3) by inserting after paragraph (2) the fol-
22 lowing:

23 “(3) If a violation described in paragraph (1)
24 results in death, serious illness, or severe injury to
25 any person, causes an imminent hazard of death or

1 injury, or results in the substantial destruction of
2 property, the Secretary may increase the civil pen-
3 alty required under paragraph (2) to—

4 “(A) a maximum of \$5,000,000; or

5 “(B) if the person committing such viola-
6 tion is a small business concern (as such term
7 is used in part 121 of title 13, Code of Federal
8 Regulations (or a successor regulation)), a max-
9 imum of \$500,000.

10 “(4) The Secretary may double the civil penalty
11 otherwise required under paragraph (2) or (3) if the
12 violation follows a pattern of repeated violations or
13 otherwise reflects a deliberate indifference or con-
14 scious disregard to the consequences of the con-
15 duct.”; and

16 (4) in paragraph (6), as redesignated, by add-
17 ing at the end the following: “Such civil action may
18 be brought in the judicial district in which the viola-
19 tion occurred or in which the defendant has its prin-
20 cipal executive office. If the civil action is against an
21 individual, the action may also be brought in the ju-
22 dicial district in which such individual resides.”.

23 (b) HOURS OF SERVICE VIOLATIONS.—Section
24 21301 of title 49, United States Code, is amended by add-
25 ing at the end the following:

1 “(d) ADDITIONAL PROVISIONS RELATED TO VIOLA-
2 TIONS OF CHAPTER 211.—(1) In any proceeding involving
3 a violation of chapter 211, or a violation of a regulation
4 or order issued pursuant to such chapter, a railroad car-
5 rier is deemed to have knowledge of the acts of its officers
6 and agents.

7 “(2) A civil action involving a violation of chap-
8 ter 211, or a violation of a regulation or order issued
9 pursuant to such chapter, shall be brought in an ap-
10 propriate district court of the United States not
11 later than 2 years after the date of such violation
12 unless administrative notification under section 3711
13 of title 31 is given within such 2-year period to the
14 person committing the violation. If such notification
15 is given, the action shall be brought not later than
16 the last day of the 5-year period specified in section
17 2462 of title 28.

18 “(3) A separate violation of section 21106 oc-
19 curs for each day employee sleeping quarters are not
20 in compliance with the requirements under such sec-
21 tion.”.

22 (c) UPDATES OF PENALTIES FOR INFLATION.—Not-
23 withstanding any other provision of law, including the
24 Federal Civil Penalties Inflation Adjustment Act of 1990
25 (28 U.S.C. 2461 note), the inflation adjustment—

1 (1) for minimum penalty amounts amended by
2 this section, and any discretionary inflation adjust-
3 ment of guideline penalty amounts by the Secretary,
4 shall be rounded to the nearest multiple of \$100;
5 and

6 (2) for maximum penalty amounts amended by
7 this section, shall be rounded to the nearest multiple
8 of \$1,000.

9 (d) REPEAL.—

10 (1) IN GENERAL.—Chapter 213 of title 49,
11 United States Code, is amended by striking sections
12 21302 and 21303.

13 (2) CLERICAL AMENDMENT.—The analysis for
14 chapter 213 of title 49, United States Code, is
15 amended by striking the items relating to sections
16 21302 and 21303.

17 **SEC. 110. SAFER TANK CARS.**

18 (a) CLASS 3 FLAMMABLE LIQUIDS PHASE-OUT
19 SCHEDULE.—Beginning on December 31, 2027, no rail-
20 road tank car, regardless of its construction date, may be
21 used to transport Class 3 flammable liquids in packing
22 groups II and III (other than Class 3 flammable liquids
23 listed in paragraphs (1) and (2) of section 7304(b) of the
24 Hazardous Materials Transportation Safety Improvement
25 Act of 2015 (49 U.S.C. 20155 note)), regardless of the

1 composition of the train consist, unless such tank car
2 meets or exceeds the DOT-117, DOT-117P, or DOT-
3 117R specifications (as in effect on the date of the enact-
4 ment of this Act), including DOT-105A, DOT-105H,
5 DOT-105J, DOT-105S, DOT-112H, DOT-112S, DOT-
6 112J, DOT-120J, and DOT-120S tank cars.

7 (b) CONFORMING REGULATORY AMENDMENTS.—

8 (1) IN GENERAL.—The Secretary—

9 (A) shall immediately remove or revise the
10 date-specific deadlines in any applicable regula-
11 tions or orders to the extent necessary to con-
12 form with the requirement under subsection (a);
13 and

14 (B) may not enforce any date-specific
15 deadlines or requirements that are inconsistent
16 with the requirement under subsection (a).

17 (2) RULE OF CONSTRUCTION.—Except as re-
18 quired under paragraph (1), nothing in this section
19 may be construed to require the Secretary to issue
20 regulations to implement this section.

21 (c) AMENDING THE PHASE-OUT DATE.—If the Sec-
22 retary, based on the data contained in the report issued
23 pursuant to subsection (d), determines that the phase-out
24 date under subsection (a) cannot be met due to insuffi-
25 cient manufacturing capacity or would otherwise result in

1 significant impacts to interstate commerce, the Secretary
2 shall delay the phase-out scheduled under subsection (a)
3 to December 31, 2028.

4 (d) GAO REVIEW.—Not later than 18 months after
5 the date of the enactment of this Act, the Comptroller
6 General of the United States shall issue a report to the
7 Secretary, the Committee on Commerce, Science, and
8 Transportation of the Senate and the Committee on
9 Transportation and Infrastructure of the House of Rep-
10 resentatives that—

11 (1) identifies the manufacturing capacity of
12 tank car manufacturers in North America, that
13 manufacture tank cars to meet DOT–117 and
14 DOT–117P specification requirements;

15 (2) identifies the retrofit capacity of tank car
16 manufacturers and other entities in North America
17 that can retrofit DOT–111 tank cars to meet DOT–
18 117R specification requirements;

19 (3) estimates the schedule of replacing tank
20 cars currently in service that are reaching the end
21 of their life cycle;

22 (4) identifies the number of tank cars that need
23 to be phased out or retrofitted under subsection (a)
24 and paragraph (2) and the number that could be
25 retrofitted; and

1 (5) estimates the demand for new tank cars.

2 **SEC. 111. RAIL SAFETY INFRASTRUCTURE RESEARCH AND**
 3 **DEVELOPMENT GRANTS.**

4 (a) RESEARCH REQUIREMENT.—The Administrator
 5 of the Federal Railroad Administration shall award
 6 grants, in accordance with the restrictions and limitation
 7 on eligibility for Class I railroads under section 22907 of
 8 title 49, United States Code, which shall be used for re-
 9 search and development of defect detectors and the pre-
 10 vention of derailments of trains transporting hazardous
 11 materials.

12 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
 13 authorized to be appropriated to the Federal Railroad Ad-
 14 ministration, \$22,000,000, which shall be used for the
 15 grants authorized under subsection (a) and shall remain
 16 available until expended.

17 **SEC. 112. AUTHORIZATION OF APPROPRIATIONS FOR TANK**
 18 **CAR RESEARCH AND DEVELOPMENT.**

19 There is authorized to be appropriated to the Pipeline
 20 and Hazardous Materials Safety Administration,
 21 \$5,000,000, which shall be used for expenses related to
 22 the development of—

23 (1) stronger, safer tank cars and valves for
 24 tank cars; and

25 (2) other tank car safety features.

1 **SEC. 113. FEDERAL RAILROAD ADMINISTRATION SAFETY**
2 **CULTURE.**

3 (a) REVIEW.—Not later than 1 year after the date
4 of the enactment of this Act, the Inspector General of the
5 Department of Transportation shall—

6 (1) conduct a review of the Federal Railroad
7 Administration’s safety culture using the framework
8 developed by the Nuclear Energy Agency of the
9 Organisation for Economic Co-operation and Devel-
10 opment; and

11 (2) submit a report to the Committee on Com-
12 merce, Science, and Transportation of the Senate
13 and the Committee on Transportation and Infra-
14 structure of the House of Representatives that in-
15 cludes recommendations for improving the Federal
16 Railroad Administration’s safety culture.

17 (b) CONSIDERATIONS.—As a part of the review con-
18 ducted pursuant to subsection (a)(1), the Inspector Gen-
19 eral shall consider the impacts of the Federal Railroad Ad-
20 ministration’s—

21 (1) reorganization of its safety offices and man-
22 agement structure;

23 (2) reorganization of its policy and research of-
24 fices; and

1 (3) telework policies, including any change in
2 policies since the beginning of the COVID–19 pan-
3 demic.

4 (c) ACTION PLAN.—Not later than 1 year after the
5 submission of the report required under subsection (a)(2),
6 the Secretary shall submit to the Committee on Com-
7 merce, Science, and Transportation of the Senate and the
8 Committee on Transportation and Infrastructure of the
9 House of Representatives and post on a public-facing
10 website an action plan that addresses the recommenda-
11 tions and findings made by the Inspector General in such
12 report.

13 **SEC. 114. GAO REPORT ON ROADWAY WORKER PROTEC-**
14 **TIONS.**

15 (a) IN GENERAL.—Not later than 1 year after the
16 date of the enactment of this Act, the Comptroller General
17 of the United States shall—

18 (1) conduct a review of currently available tech-
19 nologies for roadway workers (as defined in section
20 214.7 of title 49, Code of Federal Regulations) with
21 protection from the hazards of being struck by a
22 train or other on-track equipment in the United
23 States; and

24 (2) submit to the Committee on Commerce,
25 Science, and Transportation of the Senate and the

1 Committee on Transportation and Infrastructure of
2 the House of Representatives a report that summa-
3 rizes the results of the review conducted under sub-
4 paragraph (a), including recommendations, as the
5 Comptroller General considers appropriate.

6 (b) CONTENTS.—The report submitted under sub-
7 section (a)(2) shall—

8 (1) describe the frequency, type, and causes of
9 incidences within the rail right-of-way associated
10 with roadway workers being struck by a train or
11 other on-track equipment, based on available data,
12 including whether individuals were acting in compli-
13 ance with the applicable rules, policies, procedures,
14 and practices;

15 (2) describe the types of technologies referenced
16 in subsection (a)(1) that are designed to reduce risk
17 of injury and death when deployed as a secondary
18 warning system to the standard operating proce-
19 dures of a rail carrier, including for each tech-
20 nology—

21 (A) the primary function and features;

22 (B) the maturity, implementation readi-
23 ness, and user experience;

24 (C) the frequency of implementation;

1 (D) any costs, including up front and on-
 2 going maintenance costs, of the technology and
 3 other costs associated with the technology;

4 (E) safety benefits associated with the
 5 technology relative to current rules, policies,
 6 procedures, and practices; and

7 (F) ability to enhance protections for road-
 8 way workers without negatively impacting oper-
 9 ational or network efficiencies;

10 (3) discuss the potential for such technologies
 11 to reduce or eliminate roadway worker accidents oc-
 12 ccurring within the rail right-of-way;

13 (4) describe any challenges or barriers to adop-
 14 tion of such safety technologies, including oper-
 15 ational, technical, and network efficiency challenges
 16 or barriers; and

17 (5) assess the cost-beneficial nature of utilizing
 18 such technology as a secondary warning system.

19 **SEC. 115. FEDERAL RAILROAD ADMINISTRATION SAFETY**
 20 **WORKFORCE MANAGEMENT.**

21 Not later than 1 year after the date of the enactment
 22 of this Act, the Inspector General of the Department of
 23 Transportation shall submit a report to the Committee on
 24 Commerce, Science, and Transportation of the Senate and
 25 the Committee on Transportation and Infrastructure of

1 the House of Representatives that contains the results of
2 a review of the Federal Railroad Administration Office of
3 Railroad Safety inspector and specialist staff resource
4 management, including—

5 (1) an assessment of the changes in the number
6 of Federal Railroad Administration safety inspectors
7 and specialists, including—

8 (A) the number of safety inspector and
9 specialist vacancies;

10 (B) the number of such positions requested
11 in each of the budget requests for the last 10
12 fiscal years; and

13 (C) the actual workforce levels during each
14 of such fiscal years;

15 (2) an assessment of geographic allocation
16 plans, potential hiring and time-to-hire challenges,
17 expected retirement rates, and recruitment and re-
18 tention strategies;

19 (3) a description of any internal Federal Rail-
20 road Administration goals for compliance inspection
21 rates across the network of regulated activities, and
22 whether requested and actual safety inspector and
23 specialist workforce levels align with such goals;

24 (4) whether the system used for the notifica-
25 tion, processing, or storing of civil penalty enforce-

1 ment cases and other compliance actions rec-
2 ommended by safety inspectors and specialists
3 against railroads, shippers of hazardous materials,
4 and other respondents effectively supports the Fed-
5 eral Railroad Administration’s compliance inspection
6 and enforcement program;

7 (5) whether any macroeconomic or other condi-
8 tions exist or have existed under which it has been
9 difficult for the Federal Railroad Administration to
10 fill safety inspector and specialist vacancies, and the
11 degree to which special rates of pay or other recruit-
12 ment and retention practices could ameliorate or
13 could have ameliorated such difficulty; and

14 (6) recommendations for any reforms that
15 could—

16 (A) improve the recruitment, hiring, and
17 retention of Federal Railroad Administration
18 safety inspectors and specialists, including po-
19 tential quality of life and workplace improve-
20 ments;

21 (B) improve Federal Railroad Administra-
22 tion workforce management processes; or

23 (C) increase the capacity for inspection ac-
24 tivities, if such capacity is identified as defi-
25 cient, at the Federal Railroad Administration,

1 including activities relating to the transpor-
2 tation of hazardous materials.

3 **SEC. 116. OFFICE OF PERSONNEL MANAGEMENT REVIEW**
4 **OF SAFETY INSPECTOR AND SPECIALIST**
5 **CLASSIFICATIONS.**

6 (a) REVISING RAILROAD SAFETY SERIES.—Not later
7 than 270 days after the date of the enactment of this Act,
8 the Director of the Office of Personnel Management
9 shall—

10 (1) complete a review of the Railroad Safety Se-
11 ries, GS–2121, TS–37; and

12 (2) subject to subsection (b), revise the series
13 referred to in paragraph (1), as appropriate, to re-
14 flect factors impacting the Federal Railroad Admin-
15 istration’s oversight of the railroad industry, includ-
16 ing—

17 (A) current critical Federal Railroad Ad-
18 ministration disciplines; and

19 (B) technological advancements and oper-
20 ational conditions within the railroad industry.

21 (b) REPORT.—Not later than 30 days after com-
22 pleting the review required under subsection (a), if the Di-
23 rector determines that a revision of the Railroad Safety
24 Series is not appropriate, the Director shall submit a re-
25 port to the Committee on Homeland Security and Govern-

1 mental Affairs of the Senate, the Committee on Com-
2 merce, Science, and Transportation of the Senate, the
3 Committee on Oversight and Government Reform of the
4 House of Representatives, and the Committee on Trans-
5 portation and Infrastructure of the House of Representa-
6 tives that—

7 (1) explains the findings of the review required
8 under subsection (a); and

9 (2) justifies the determination not to make revi-
10 sions to the Railroad Safety Series.

11 **SEC. 117. ALCOHOL AND DRUG TESTING.**

12 Not later than 1 year after the date of the enactment
13 of this Act, the Secretary shall amend part 219 of title
14 49, Code of Federal Regulations, to require any employee
15 who, on behalf of a railroad, inspects locomotives, pas-
16 senger cars, railcars, or other on-track equipment, to be
17 subject to the breath or body fluid testing required under
18 subparts C, D, and E of such part.

19 **SEC. 118. CONFIDENTIAL CLOSE CALL REPORTING SYSTEM.**

20 (a) REQUIREMENTS FOR CLOSE CALL REPORTING
21 SYSTEM.—The Administrator of the National Aeronautics
22 and Space Administration and the Administrator of the
23 Federal Railroad Administration shall jointly ensure that
24 any close call reporting system carried out by such Admin-
25 istrators provides for the following:

1 (1) Each report of a close call event made to
2 such reporting system shall be confidential.

3 (2) An individual submitting a report to such
4 system may include an audio or video file that was
5 captured on the personal device of such individual.

6 (3) Each report submitted to such system shall
7 contain the location of the event, including, as appli-
8 cable, the global positioning system coordinates of
9 such event.

10 (4) A report with respect to any craft shall be
11 eligible for submission to such system.

12 (5) The Administrator of the National Aero-
13 nautics and Space Administration or the Adminis-
14 trator of the Federal Railroad Administration may
15 take a remedial action or an action to improve safe-
16 ty, or require a railroad to take an action, based
17 solely on a report or a subset of reports submitted
18 to the system.

19 (b) APPLICATION OF CLOSE CALL REPORTING TO
20 AMTRAK.—Each Class I railroad and Amtrak shall, not
21 later than 60 days after the date of enactment of this Act,
22 enroll in the confidential close call reporting system for
23 a period of 2 years.

1 **SEC. 119. ASKRAIL APPLICATION.**

2 (a) IN GENERAL.—In order to be eligible for financial
3 assistance under section 22907 or 24911 of title 49,
4 United States Code, a State department of transportation
5 shall notify first responders about the AskRail application,
6 if a Class 1 railroad operates within the State, not later
7 than 180 days after receiving such financial assistance.

8 (b) FRA NOTIFICATION.—If a State is subject to
9 subsection (a), each State department of transportation
10 shall submit to the Federal Rail Administration—

11 (1) evidence of the notification required under
12 such subsection; and

13 (2) a certification that such State has com-
14 pleted the requirement.

15 (c) ASKRAIL CONNECTIVITY PILOT PROGRAM.—

16 (1) ESTABLISHMENT.—The Administrator of
17 the Federal Railroad Administration shall establish
18 a pilot program to support connectivity for the
19 AskRail application for first responders during rail-
20 way accidents.

21 (2) CONSULTATION.—In carrying out this sub-
22 section, the Administrator, the Federal Communica-
23 tions Commission, and the Department of Agri-
24 culture, in consultation with the National Tele-
25 communications and Information Administration,

1 shall identify and prioritize areas along the national
2 rail network in most need of connectivity.

3 (3) PILOT PROGRAM REQUIREMENTS.—In car-
4 rying out the pilot program required under para-
5 graph (1), the Administrator shall—

6 (A) not later than 90 days after the date
7 of enactment of this Act, solicit proposals from
8 entities or coalitions of entities to conduct ac-
9 tivities under the pilot program; and

10 (B) enter into cooperative agreements with
11 at least 1 but not more than 4 entities to un-
12 dertake activities under the pilot program,
13 which may include past performance and expe-
14 rience with—

15 (i) deploying connectivity technology
16 and infrastructure in rural and remote lo-
17 cations, including satellite broadband tech-
18 nology, supplemental coverage from space,
19 or fixed wireless technology; and

20 (ii) contracting with emergency re-
21 sponse providers, including Federal, State,
22 and local governmental and nongovern-
23 mental emergency public safety, fire, law
24 enforcement, emergency response, emer-
25 gency medical (including hospital emer-

1 agency facilities), and related personnel,
2 agencies, and authorities.

3 (4) ACTIVITIES.—In carrying out the pilot pro-
4 gram required under paragraph (1), the Adminis-
5 trator shall contract with eligible entities to provide
6 broadband internet access service, fixed wireless
7 technology or supplemental coverage from space.

8 (5) ELIGIBILITY.—An eligible entity to carry
9 out activities under the pilot program includes—

10 (A) a broadband internet access service
11 provider;

12 (B) a satellite internet provider; and

13 (C) a provider of supplemental coverage
14 from space or fixed wireless technology.

15 (6) AUTHORIZATION OF APPROPRIATIONS.—
16 There is authorized to be appropriated to carry out
17 this subsection \$25,000,000 for each of the fiscal
18 years 2026 through 2029, to remain available until
19 expended.

20 (7) REPORT TO CONGRESS.—Not later than 1
21 year after the conclusion of the pilot program, the
22 Administrator shall submit to the Committee on
23 Commerce, Science and Transportation of the Sen-
24 ate and Committee on Transportation and Infra-

1 structure of the House of Representatives a report
2 on—

3 (A) the effectiveness and usage of the tech-
4 nologies or infrastructure utilized and deployed
5 in such program;

6 (B) recommendations about their suit-
7 ability for deployment across further portions of
8 the national rail network; and

9 (C) recommendations to update grant pri-
10 orities and eligibility guidance for administering
11 railway safety Federal grant and loan programs
12 to encourage investing in and modernizing
13 emergency communications capabilities, includ-
14 ing satellite internet providers, fixed wireless
15 technology, and the nationwide public safety
16 broadband network, as defined in section 6001
17 of the Middle Class Tax Relief and Job Cre-
18 ation Act of 2012 (47 U.S.C. 1401).

19 **SEC. 120. INCREASED FUNDING FOR THE RAILROAD CROSS-**
20 **ING ELIMINATION GRANT PROGRAM.**

21 Section 22104(a) of the Infrastructure Investment
22 and Jobs Act (Public Law 117–58) is amended to read
23 as follows:

24 “(a) IN GENERAL.—

1 “(1) AUTHORIZATION OF APPROPRIATIONS.—

2 There is authorized to be appropriated to the Sec-
3 retary for grants under section 22909 of title 49,
4 United States Code, \$1,500,000,000 for each of fis-
5 cal years 2026 through 2029.

6 “(2) SUMMARY REQUIRED.—In order to be eli-
7 gible for the funds authorized under paragraph (1),
8 a State department of transportation shall submit to
9 the Federal Railroad Administration a summary of
10 the most dangerous grade crossings in the State.”.

11 **SEC. 121. TRAIN APPROACH WARNING.**

12 Not later than 1 year after the date of enactment
13 of this Act, the Secretary of Transportation shall promul-
14 gate or update such regulations as are necessary to require
15 that all railroads provide warning equipment to railroad
16 watchmen and lookouts for roadway workers that—

17 (1) include whistles, air horns, white disks or
18 red flags, or lanterns; and

19 (2) may only include the use of a verbal warn-
20 ing if a single worker receiving such warning is with-
21 in arm’s reach of the individual issuing such warn-
22 ing.

1 **TITLE II—HAZARDOUS MATE-**
 2 **RIALS EMERGENCY RE-**
 3 **SPONSE AND PREPAREDNESS**

4 **SEC. 201. HAZARDOUS MATERIALS REGISTRATION FEES.**

5 Section 5108(g) of title 49, United States Code, is
 6 amended—

7 (1) in paragraph (1), by striking “(1) The Sec-
 8 retary” and inserting the following:

9 “(1) IN GENERAL.—The Secretary”; and

10 (2) in paragraph (2)—

11 (A) in subparagraph (C), by striking “(C)
 12 The Secretary” and inserting the following:

13 “(D) TRANSFER AND DEPOSIT.—The Sec-
 14 retary”;

15 (B) in subparagraph (B), by striking “(B)
 16 The Secretary” and inserting the following:

17 “(C) ADJUSTMENT.—The Secretary”; and

18 (C) by striking “(2)(A) In addition” and
 19 all that follows through the period at the end
 20 of clause (ix) of subparagraph (A) and inserting
 21 the following:

22 “(2) ANNUAL FEE.—

23 “(A) ESTABLISHMENT.—In addition to a
 24 fee established under paragraph (1), the Sec-

retary shall establish and impose by regulation and collect an annual fee.

“(B) REQUIREMENT.—Subject to subparagraph (C), the fee established under subparagraph (A) shall be—

“(i) at least \$250 but not more than \$500 from each person that—

“(I) is required to file a registration statement under this section; and

“(II) is identified as a small business (within the meaning of part 121 of title 13, Code of Federal Regulations (or successor regulations)); and

“(ii) at least \$500 but not more than \$5,000 from each person that—

“(I) is required to file a registration statement under this section; and

“(II) is not identified as a small business (within the meaning of part 121 of title 13, Code of Federal Regulations (or successor regulations)).”.

SEC. 202. VIRTUAL TRAINING OPTIONS.

Section 5115(b)(1) of title 49, United States Code, is amended—

1 (1) in subparagraph (B), by striking “and”
 2 after the semicolon at the end; and

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

4 “(D) recommendations for the development
 5 of courses described in subparagraph (B) that
 6 have been adapted for virtual learning and any
 7 courses for which the Secretary has rec-
 8 ommended adaptation to provide virtual op-
 9 tions, subject to the condition that the Sec-
 10 retary ensures that the virtual options rec-
 11 ommended will provide an equivalent level of
 12 training as in-person courses; and”.

13 **SEC. 203. HAZARDOUS MATERIALS TRANSPORTATION**
 14 **EMERGENCY RESPONSE AND PREPAREDNESS**
 15 **GRANTS.**

16 (a) IN GENERAL.—Section 5116 of title 49, United
 17 States Code, is amended—

18 (1) by striking the section designation and
 19 heading and inserting the following:

20 **“§ 5116. Hazardous materials transportation emer-**
 21 **gency response and preparedness”;**

22 (2) in subsection (a)—

23 (A) in paragraph (1)—

24 (i) in subparagraph (B), by striking
 25 “and” after the semicolon at the end;

1 (ii) in subparagraph (C)—

2 (I) by striking “public sector em-
3 ployees” and inserting “emergency re-
4 sponse personnel”; and

5 (II) by striking the period at the
6 end and inserting a semicolon; and

7 (iii) by adding at the end the fol-
8 lowing:

9 “(D) until September 31, 2026, to pur-
10 chase personal protective equipment, as deter-
11 mined by the Secretary, needed to respond to a
12 hazardous materials emergency response inci-
13 dent, consistent with paragraph (7) and subject
14 to the condition that not more than 50 percent
15 of the funds made available under this sub-
16 section may be used for that purpose;

17 “(E) to conduct and organize simulated
18 and field exercises relating to hazardous mate-
19 rials transportation incidents; and

20 “(F) to develop a hazardous materials
21 transportation emergency response prepared-
22 ness gap analysis in accordance with paragraph
23 (9).”;

24 (B) in paragraph (5)(A)—

1 (i) in clause (i), by striking “public
2 sector employees being trained” and insert-
3 ing “emergency response personnel being
4 trained virtually or in person”;

5 (ii) in clause (ii), by striking “employ-
6 ees” and inserting “personnel”;

7 (iii) in clause (iii)—

8 (I) by striking “employees” and
9 inserting “personnel”; and

10 (II) by striking “and” after the
11 semicolon at the end; and

12 (iv) by adding at the end the fol-
13 lowing:

14 “(v) to cover the costs of personnel
15 needed to replace any personnel being
16 trained; and

17 “(vi) to cover lost wages for any vol-
18 unteer being trained, up to a reasonable
19 amount determined by the Secretary;”;

20 (C) in paragraph (6)—

21 (i) by striking subparagraph (A) and
22 inserting the following:

23 “(A) whether grant funds will be used to
24 support the ability of the United States to re-
25 spond to hazardous materials incidents near in-

1 frastructure commonly used to transport haz-
2 ardous materials;”; and

3 (ii) in subparagraph (B), by striking
4 “amounts” and inserting “number of ship-
5 ments”;

6 (D) by redesignating paragraphs (5) and
7 (6) as paragraphs (6) and (8), respectively;

8 (E) by inserting after paragraph (4) the
9 following:

10 “(5)(A) Subject to subparagraph (C), any State
11 receiving a grant under this subsection shall, not
12 later than 180 days after receiving the grant funds,
13 make available to eligible local entities—

14 “(i) not less than 70 percent of the
15 grant funds; or

16 “(ii) eligible services or activities de-
17 scribed in paragraph (1) having a value of
18 not less than 70 percent of the amount of
19 the grant.

20 “(B) A State shall certify to the Secretary
21 that the State has made the distribution to eli-
22 gible local entities required under paragraph (1)
23 by providing such information as the Secretary
24 shall require.

1 “(C)(i) The Governor of a State may re-
2 quest in writing that the Secretary extend the
3 period under subparagraph (A) for an addi-
4 tional period of time.

5 “(ii) The Secretary may approve a re-
6 quest under clause (i) if the Secretary de-
7 termines that the delay in providing grant
8 funding to eligible local entities pursuant
9 to the extension is necessary to promote ef-
10 fective investments to prepare for or re-
11 spond to hazardous materials transpor-
12 tation incidents.

13 “(D) Subparagraph (A) shall not apply to
14 Tribes, the District of Columbia, the Common-
15 wealth of Puerto Rico, American Samoa, the
16 Commonwealth of the Northern Mariana Is-
17 lands, Guam, or the Virgin Islands.

18 “(E) An eligible local entity may petition
19 the Secretary to request that grant funds be
20 provided by the Secretary directly to the eligible
21 local entity if a State fails to apply for a grant
22 under this subsection.

23 “(F) In making grant funds available to el-
24 igible local entities under subparagraph (A),
25 States shall consider whether the eligible local

1 entity has a high proportion of volunteer emer-
2 gency responders.

3 “(G) For purposes of this paragraph, the
4 term ‘eligible local entity’ means each of the fol-
5 lowing:

6 “(i) A political subdivision of a State.

7 “(ii) A public emergency response or-
8 ganization.”;

9 (F) by inserting after paragraph (6) (as so
10 redesignated) the following:

11 “(7) A recipient of funds provided under this
12 subsection may use the funds to purchase personal
13 protective equipment only if the recipient agrees to
14 properly maintain and store that personal protective
15 equipment.”; and

16 (G) by inserting after paragraph (8) (as so
17 redesignated) the following:

18 “(9)(A) Each hazardous materials transpor-
19 tation emergency response preparedness gap analysis
20 shall include—

21 “(i) an identification of gaps and limi-
22 tations of the hazard response program of
23 the applicable jurisdiction, including—

24 “(I) knowledge and personal pro-
25 tective equipment gaps; and

1 “(II) gaps in training, including
2 Incident Command Management
3 training and ASTM Standard E3241
4 training; and

5 “(ii) a strategic plan to address the
6 gaps and limitations identified under
7 clause (i).

8 “(B) In developing a hazardous materials
9 transportation emergency response prepared-
10 ness gap analysis under subparagraph (A), the
11 entity preparing the analysis shall—

12 “(i) coordinate with Regional Re-
13 sponse Teams (as described in section
14 300.115 of title 40, Code of Federal Regu-
15 lations (or a successor regulation));

16 “(ii) include States, Tribes, hazardous
17 materials emergency response programs,
18 local governments, and emergency response
19 personnel (including fire service organiza-
20 tions) in that development, as appropriate;
21 and

22 “(iii) provide an opportunity for
23 States, Tribes, hazardous materials emer-
24 gency response programs, local govern-
25 ments, and emergency response personnel

1 (including fire service organizations) to re-
2 view and comment on the analysis before
3 the analysis is published.”;

4 (3) in subsection (d)—

5 (A) in the second sentence, by striking
6 “Amounts” and inserting the following:

7 “(2) CERTAIN AMOUNTS.—Amounts”;

8 (B) in the first sentence, by striking “A
9 grant under this section is for 80 percent of the
10 cost the State or Indian tribe incurs” and in-
11 serting the following:

12 “(1) IN GENERAL.—A grant under this section
13 is for 90 percent of the costs incurred by a State,
14 or 100 percent of the costs incurred by a Tribe,”;
15 and

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

17 “(3) IN-KIND CONTRIBUTIONS.—For purposes
18 of this subsection, the contributions of a State or
19 Tribe toward the costs of an activity funded by a
20 grant under this section may be in the form of in-
21 kind contributions.”;

22 (4) in subsection (h)—

23 (A) in the second sentence—

24 (i) in paragraph (4), by striking “2
25 percent” and inserting “4 percent”;

1 (ii) by redesignating paragraphs (1)
 2 through (4) as subparagraphs (A) through
 3 (D), respectively, and indenting appro-
 4 priately; and

5 (iii) in the matter preceding subpara-
 6 graph (A) (as so redesignated), by striking
 7 “Without” and inserting the following:

8 “(2) USES.—Without”;

9 (B) in the first sentence—

10 (i) by striking “section 5108(g)(2)(C)
 11 of this title” and inserting “section
 12 5108(g)(2)(D)”;

13 (ii) by striking “The Secretary” and
 14 inserting the following:

15 “(1) IN GENERAL.—The Secretary”; and

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

17 “(3) SET ASIDE.—

18 “(A) IN GENERAL.—The amounts collected
 19 under section 5123—

20 “(i) shall be set aside for the purpose
 21 of carrying out subsection (k); and

22 “(ii) shall be available, without fur-
 23 ther appropriation, for that purpose.

24 “(B) APPLICATION.—The set-aside de-
 25 scribed in subparagraph (A)—

1 “(i) shall apply until the earliest date
 2 on which the total amount set aside and
 3 available for expenditure under that sub-
 4 paragraph equals or exceeds \$50,000,000;
 5 and

6 “(ii) after that date, shall apply to
 7 each subsequent period—

8 “(I) beginning on a date on
 9 which the total amount set aside and
 10 available for expenditure under that
 11 subparagraph is less than
 12 \$20,000,000; and

13 “(II) ending on the earliest sub-
 14 sequent date on which the total
 15 amount set aside and available for ex-
 16 penditure under that subparagraph
 17 equals or exceeds \$50,000,000.”;

18 (5) in subsection (k)—

19 (A) in paragraph (3), by striking “such
 20 planning and training programs” and inserting
 21 “each grant program”;

22 (B) by redesignating paragraphs (1)
 23 through (4) as subparagraphs (A), (B), (D),
 24 and (E), respectively, and indenting appro-
 25 priately;

1 (C) by inserting after subparagraph (B)
2 (as so redesignated) the following:

3 “(C) a description of any personal protec-
4 tive equipment purchased using grant funds;”;
5 and

6 (D) in the matter preceding subparagraph
7 (A) (as so redesignated)—

8 (i) in the first sentence, by striking
9 “an annual report”; and

10 (ii) by striking “the report to the pub-
11 lic” in the first sentence and all that fol-
12 lows through “grants and include—” in
13 the third sentence and inserting the fol-
14 lowing: “to the public an annual report
15 that—

16 “(1) includes information on the allocation and
17 uses of the grants made available under—

18 “(A) this section; and

19 “(B) subsections (e) and (i) of section
20 5107;

21 “(2) identifies the ultimate recipients of those
22 grants;

23 “(3) identifies the amount of funding available
24 for each grant;

1 “(4) describes any unobligated balances, total
2 annual drawdown by each grantee, and recovered
3 balances;

4 “(5) includes the amount of funding rescinded,
5 by grant recipient, for each grant; and

6 “(6) includes—”;

7 (6) by striking “tribe” each place it appears
8 and inserting “Tribe”; and

9 (7) by striking “tribes” each place it appears
10 and inserting “Tribes”.

11 (b) ASSISTANCE FOR LOCAL EMERGENCY RESPONSE
12 TRAINING.—Section 5116(j)(1)(A) of title 49, United
13 States Code, is amended by striking “liquids” and insert-
14 ing “materials”.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
16 5128(b) of title 49, United States Code, is amended—

17 (1) in the matter preceding paragraph (1), by
18 striking “Hazardous Materials Preparedness Fund”
19 and inserting “Hazardous Materials Emergency Pre-
20 paredness Fund”;

21 (2) in paragraph (3), by striking “section
22 5116(h)(3); and” and inserting “section
23 5116(h)(2)(C);”; and

24 (3) by striking paragraph (4) and inserting the
25 following:

1 “(4) \$4,000,000 to carry out section 5116(i);
2 and

3 “(5) \$1,000,000 to carry out section 5116(j).”.

4 (d) CLERICAL AMENDMENT.—The analysis for chap-
5 ter 51 of title 49, United States Code, is amended by
6 striking the item relating to section 5116 and inserting
7 the following: “5116. Hazardous materials transportation
8 emergency response and preparedness.”.

9 (e) CONFORMING AMENDMENTS.—

10 (1) Section 5102 of title 49, United States
11 Code, is amended by striking paragraph (6) and in-
12 serting the following:

13 “(6) ‘Indian tribe’, ‘Indian Tribe’, and ‘Tribe’
14 have the meaning given the term ‘Indian Tribe’ in
15 section 4 of the Indian Self-Determination and Edu-
16 cation Assistance Act (25 U.S.C. 5304).”.

17 (2) Section 5123 of title 49, United States
18 Code, is amended by striking subsection (g) and in-
19 serting the following:

20 “(g) TRANSFER OF AMOUNTS COLLECTED.—
21 Amounts collected under this section shall be transferred
22 to the Hazardous Materials Emergency Preparedness
23 Fund established under section 5116(h).”.

1 **SEC. 204. EMERGENCY RESPONSE ASSISTANCE.**

2 Section 5116 of title 49, United States Code, is
3 amended—

4 (1) by redesignating subsection (k) as sub-
5 section (l);

6 (2) by inserting after subsection (j) the fol-
7 lowing:

8 “(k) EMERGENCY RESPONSE ASSISTANCE.—

9 “(1) DEFINITIONS.—In this subsection:

10 “(A) SIGNIFICANT HAZARDOUS MATERIALS
11 TRANSPORTATION INCIDENT.—The term ‘sig-
12 nificant hazardous materials transportation in-
13 cident’ means an incident that—

14 “(i) involves hazardous materials
15 being moved by a motor carrier or rail car-
16 rier;

17 “(ii) requires a response by at least 1
18 eligible entity described in paragraph (6)
19 for which the Secretary estimates the costs
20 to the eligible entity to be at least \$15,000;
21 and

22 “(iii) results in a serious injury, fatal-
23 ity, or substantial property damage.

24 “(B) SUBSTANTIAL PROPERTY DAMAGE.—

25 The term ‘substantial property damage’ means
26 damage to public or private property or the en-

1 vironment (including clean up costs) the Sec-
2 retary reasonably estimates to be more than
3 \$45,000.

4 “(2) ESTABLISHMENT OF PROGRAM.—Not later
5 than 1 year after the date of enactment of the Rail-
6 road Safety Enhancement Act of 2026, the Sec-
7 retary, in consultation with the Administrator of the
8 Federal Emergency Management Agency and the
9 Administrator of the Environmental Protection
10 Agency, after providing an opportunity for notice
11 and comment, shall establish an emergency response
12 assistance program to provide immediate financial
13 assistance to communities responding to a signifi-
14 cant hazardous materials transportation incident.

15 “(3) SIGNIFICANT HAZARDOUS MATERIALS
16 TRANSPORTATION INCIDENT.—

17 “(A) IN GENERAL.—The Secretary shall
18 have the authority to declare a significant haz-
19 ardous materials transportation incident.

20 “(B) GUIDELINES.—The Secretary shall
21 establish and publish guidelines to determine
22 whether a significant hazardous materials
23 transportation incident has occurred.

24 “(4) RELEASE OF FUNDS.—

1 “(A) IN GENERAL.—The Secretary shall
2 immediately make available from the amount
3 set aside under subsection (h)(3) in the Haz-
4 ardous Materials Emergency Preparedness
5 Fund established under subsection (h)(1) (re-
6 ferred to in this subsection as the ‘Fund’) up
7 to \$10,000,000 to quickly reimburse eligible en-
8 tities described in paragraph (6) that responded
9 to a significant hazardous materials transpor-
10 tation incident if—

11 “(i) the Secretary declares the inci-
12 dent a significant hazardous materials
13 transportation incident; and

14 “(ii) at least 14 days but not later
15 than 21 days after the declaration of a sig-
16 nificant hazardous materials transportation
17 incident, the Secretary determines, in ac-
18 cordance with paragraph (8), that the re-
19 sponsible party does not have an accept-
20 able reimbursement plan.

21 “(B) ADDITIONAL FUNDS.—In addition to
22 any amounts made available under subpara-
23 graph (A), the Secretary shall make additional
24 funding available from the amount set aside
25 under subsection (h)(3) in the Fund if the Sec-

1 retary determines that the additional funding is
2 necessary.

3 “(C) AUTHORITY.—The Secretary may
4 make funds available under this subsection if
5 the Secretary determines the responsible party
6 is not complying with its acceptable plan under
7 paragraph (8).

8 “(5) ADMINISTRATION OF FUNDS.—The Sec-
9 retary may provide funds from the amount set aside
10 under subsection (h)(3) in the Fund to a State in
11 which a hazardous materials transportation incident
12 occurred for the State to use and administer reim-
13 bursements in accordance with this subsection, in-
14 cluding by providing funds to eligible entities de-
15 scribed in paragraph (6).

16 “(6) ELIGIBLE ENTITIES DESCRIBED.—The eli-
17 gible entities referred to in paragraphs (4)(A) and
18 (5) are—

19 “(A) States, territories, and Tribes;

20 “(B) political subdivisions of a State or
21 territory; and

22 “(C) public emergency response organiza-
23 tions.

24 “(7) USE OF FUNDS.—

1 “(A) IN GENERAL.—Funds made available
2 under paragraph (4) or (5) may be used only—

3 “(i) for the cost of replacing personal
4 protective equipment that is damaged, con-
5 taminated, or otherwise rendered unusable
6 as a result of the response of the eligible
7 entity to a significant hazardous materials
8 transportation incident;

9 “(ii) for overtime pay of employees of
10 eligible entities that responded to the scene
11 of a significant hazardous materials trans-
12 portation incident;

13 “(iii) for operational costs exceeding
14 standard operating expenses that are di-
15 rectly related to the cost of responding to
16 the significant hazardous materials trans-
17 portation incident, such as the costs of
18 running a supplementary emergency re-
19 sponse center;

20 “(iv) for the cost of providing baseline
21 health care assessments to emergency re-
22 sponse personnel who responded to the sig-
23 nificant hazardous materials transportation
24 incident, but not more than \$1,000 per

1 person, which shall be adjusted annually
2 for inflation; and

3 “(v) to reimburse an eligible entity for
4 an eligible cost described in any of clauses
5 (i) through (iv) that is incurred within 30
6 days of the date of a significant hazardous
7 materials transportation incident.

8 “(B) DOCUMENTATION OF COSTS.—Not
9 later than 1 year after the date on which the
10 Secretary declares a significant hazardous ma-
11 terials transportation incident for which an eli-
12 gible entity receives assistance under this sub-
13 section, the eligible entity shall submit to the
14 Secretary documentation for each item for
15 which that assistance was used pursuant to the
16 eligible uses of funds described in subparagraph
17 (A).

18 “(C) MISUSE OF FUNDS.—If the Secretary
19 determines that an eligible entity has used as-
20 sistance received under this subsection in a
21 manner that violates subparagraph (A) or any
22 other provision of this subsection, the eligible
23 entity shall reimburse the Fund (if the assist-
24 ance was provided from the Fund) or the re-
25 sponsible party (if the assistance was provided

1 by the responsible party), for the amount of
2 that assistance.

3 “(8) ACCEPTABLE PLAN.—

4 “(A) IN GENERAL.—For purposes of para-
5 graph (4)(A)(ii), the Secretary shall consider a
6 reimbursement plan of a responsible party to be
7 acceptable if the plan seeks to review and proc-
8 ess claims made by eligible entities for the costs
9 described in paragraph (7) not later than 90
10 days after the date of the significant hazardous
11 materials transportation incident.

12 “(B) ADVANCE SUBMISSION; CERTAIN
13 PLANS.—

14 “(i) ADVANCE SUBMISSION.—A plan
15 to provide reimbursement to eligible enti-
16 ties in accordance with subparagraph (A)
17 may be submitted to the Secretary for ap-
18 proval in advance of any significant haz-
19 ardous materials transportation incident to
20 which the plan might apply.

21 “(ii) CERTAIN PLAN.—A hazardous
22 materials emergency response plan ap-
23 proved by the Secretary in accordance with
24 section 20155(e) shall be considered an ac-

1 ceptable plan for purposes of this sub-
2 section.

3 “(9) REIMBURSEMENT BY RESPONSIBLE
4 PARTY.—

5 “(A) IN GENERAL.—Subject to subpara-
6 graph (F), the party responsible for a signifi-
7 cant hazardous materials transportation inci-
8 dent shall be liable to the Secretary for reim-
9 bursement of all amounts disbursed from the
10 Fund under this subsection for that significant
11 hazardous materials transportation incident.

12 “(B) REQUIREMENT.—Any funding recov-
13 ered by the Secretary under this subsection
14 shall be deposited back into the Fund.

15 “(C) NOTICE.—After the Secretary has re-
16 ceived the documented costs under paragraph
17 (7)(B), the Secretary shall provide notice to the
18 responsible party regarding the total amount
19 owed.

20 “(D) FINAL AGENCY ACTION.—Not later
21 than 30 days after the Secretary makes a deter-
22 mination of the amount for which the respon-
23 sible party is liable under subparagraph (A),
24 the responsible party may challenge that deter-
25 mination as a final agency action.

1 “(E) CIVIL ACTION.—

2 “(i) IN GENERAL.—The Attorney
3 General may bring a civil action in an ap-
4 propriate district court of the United
5 States to collect unpaid amounts under
6 this paragraph and any accrued interest on
7 those amounts.

8 “(ii) LIMITATION ON JUDICIAL RE-
9 VIEW.—In a civil action under clause (i),
10 the amount for which a responsible party
11 is liable, as determined by the Secretary,
12 unless challenged under subparagraph (D),
13 shall not be subject to judicial review.

14 “(F) DISCRETION.—If the responsible
15 party is a small business concern (within the
16 meaning of part 121 of title 13, Code of Fed-
17 eral Regulations (or successor regulations)) that
18 is unable to fully reimburse the Secretary, the
19 Secretary shall have discretion with respect to
20 the amount of funds the Secretary requests
21 from the responsible party under this para-
22 graph.

23 “(10) STREAMLINED APPLICATION PROCESS.—
24 The Secretary shall streamline the application proc-

1 ess for the receipt of funds under this subsection, in-
2 cluding by—

3 “(A) providing technical assistance to eligi-
4 ble entities; and

5 “(B) creating a template that eligible enti-
6 ties can use to apply for funding.

7 “(11) SAVINGS PROVISIONS.—

8 “(A) LIABILITY.—Nothing in this sub-
9 section limits, or may be construed to limit, the
10 liability of a responsible party.

11 “(B) REIMBURSEMENT.—

12 “(i) IN GENERAL.—A responsible
13 party may, in accordance with any other
14 applicable law—

15 “(I) seek to establish that an-
16 other party was responsible, in whole
17 or in part (as such other law allows),
18 for the applicable significant haz-
19 ardous materials transportation inci-
20 dent; and

21 “(II) seek reimbursement (to the
22 extent such other law allows) from
23 that other party.

24 “(ii) EFFECT OF SUBSECTION.—
25 Nothing in this subsection limits, or may

1 be construed to limit, the ability of a re-
2 sponsible party to seek reimbursement
3 from any other party found to be respon-
4 sible in any civil action arising from the
5 applicable significant hazardous materials
6 transportation incident.

7 “(iii) EFFECT OF DETERMINATION.—

8 A determination by the Secretary that a
9 party is a responsible party for purposes of
10 this subsection shall not be considered or
11 otherwise have any effect with respect to
12 the determination of liability in any civil
13 action described in clause (ii).

14 “(iv) EFFECT OF REIMBURSEMENTS

15 AND OTHER ACTIVITIES.—No activity
16 taken under this subsection to reimburse
17 an eligible entity, reimburse the Secretary,
18 prepare or carry out a reimbursement
19 plan, or otherwise comply with or make a
20 payment under this subsection shall be
21 considered or otherwise have any effect
22 with respect to the determination of liabil-
23 ity in any civil action described in clause
24 (ii).

25 “(12) COMPTROLLER GENERAL REPORT.—

1 “(A) IN GENERAL.—Not later than Sep-
2 tember 30, 2027, the Comptroller General of
3 the United States shall submit to the Com-
4 mittee on Commerce, Science, and Transpor-
5 tation of the Senate and the Committee on
6 Transportation and Infrastructure of the House
7 of Representatives a report on the effectiveness
8 this subsection.

9 “(B) CONTENTS.—The report submitted
10 under subparagraph (A) shall include, at a min-
11 imum, information on—

12 “(i) the number of significant haz-
13 ardous materials transportation incidents
14 that received funding under this sub-
15 section;

16 “(ii) the amount of financial assist-
17 ance the Secretary provided to eligible enti-
18 ties;

19 “(iii) the amount of financial assist-
20 ance responsible parties submitted to the
21 Secretary under paragraph (9);

22 “(iv) the amount of reimbursement
23 the Secretary received from eligible entities
24 as required under paragraph (7)(C);

1 “(v) whether the amounts provided by
 2 the Secretary under this subsection ade-
 3 quately reflect the amounts actually spent
 4 by the eligible entities;

5 “(vi) whether the Secretary was able
 6 to provide the financial assistance quickly
 7 enough to the eligible entities so that the
 8 assistance effectively supported the pre-
 9 paredness of the eligible entities to respond
 10 to potential future incidents; and

11 “(vii) any other factors the Comp-
 12 troller General of the United States con-
 13 siders to be appropriate to review the effec-
 14 tiveness of this subsection.”; and

15 (3) by adding at the end the following:

16 “(m) DEFINITIONS.—In this section:

17 “(1) EMERGENCY RESPONSE PERSONNEL.—

18 The term ‘emergency response personnel’ means—

19 “(A) an employee of a State, territory,
 20 Tribe, or political subdivision of a State; and

21 “(B) a person belonging to a public emer-
 22 gency response organization.

23 “(2) PUBLIC EMERGENCY RESPONSE ORGANIZA-
 24 TION.—

1 “(A) IN GENERAL.—The term ‘public
2 emergency response organization’ means—

3 “(i) a fire department that has an all-
4 paid force of firefighting personnel other
5 than paid-on-call firefighters;

6 “(ii) a fire department that has—

7 “(I) paid firefighting personnel;
8 and

9 “(II) volunteer firefighting per-
10 sonnel;

11 “(iii) a nonaffiliated EMS organiza-
12 tion; and

13 “(iv) a fire department that has an
14 all-volunteer force of firefighting personnel.

15 “(B) ASSOCIATED DEFINITION.—For pur-
16 poses of subparagraph (A)(iii), the term ‘non-
17 affiliated EMS organization’ means a public or
18 private nonprofit emergency medical services or-
19 ganization that—

20 “(i) is not affiliated with a hospital;
21 and

22 “(ii) does not serve a geographic area
23 for which the Secretary or a State finds

1 that emergency medical services are ade-
2 quately provided by a fire department.”.

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