

114TH CONGRESS
2D SESSION

H. R. 5368

To direct the Department of Transportation to issue regulations to require enhanced security measures for shipments of security sensitive material, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 26, 2016

Ms. NORTON introduced the following bill; which was referred to the
Committee on Transportation and Infrastructure

A BILL

To direct the Department of Transportation to issue regulations to require enhanced security measures for shipments of security sensitive material, 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.**

4 This Act may be cited as the “Save Our Communities
5 from Risky Trains Act of 2016”.

1 **SEC. 2. ENHANCED SECURITY MEASURES FOR SHIPMENTS**
2 **OF SECURITY SENSITIVE MATERIAL.**

3 (a) IN GENERAL.—Not later than 90 days after the
4 date of enactment of this Act, the Secretary of Transpor-
5 tation shall issue regulations to require enhanced security
6 measures for shipments of security sensitive material.

7 (b) SECURITY SENSITIVE MATERIAL.—The Secretary
8 shall designate a material, or a group or class of material,
9 in a particular amount and form as security sensitive if
10 the Secretary determines that transporting the material
11 in commerce poses a significant risk to national security
12 due to the potential use of the material in an act of ter-
13 rorism. In making such a designation, the Secretary shall
14 consider the following:

15 (1) A highway route-controlled quantity of a
16 Class 7 (radioactive) material, as defined in section
17 173.403 of title 49, Code of Federal Regulations, in
18 a motor vehicle, railroad car, or freight container.

19 (2) More than 25 kilograms of a division 1.1,
20 1.2, or 1.3 explosive, as defined in section 173.50 of
21 title 49, Code of Federal Regulations, in a motor ve-
22 hicle, rail car, or freight container.

23 (3) More than one liter per package of a mate-
24 rial poisonous by inhalation, as defined in section
25 171.8 of title 49, Code of Federal Regulations, that
26 meets the criteria for hazard zone A, as specified in

1 section 173.116(a) or section 173.133(a) of title 49,
2 Code of Federal Regulations.

3 (4) A shipment of a quantity of hazardous ma-
4 terials in a bulk packaging having a capacity equal
5 to or greater than 13,248 liters for liquids or gases
6 or more than 13.24 cubic meters for solids.

7 (5) A select agent or toxin regulated by the
8 Centers for Disease Control and Prevention under
9 part 73 of title 42, Code of Federal Regulations.

10 (6) A quantity of hazardous material that re-
11 quires placarding under the provisions of subpart F
12 of part 172 of title 49, Code of Federal Regulations.

13 (c) COMPILATION OF ROUTE AND STORAGE PAT-
14 TERN INFORMATION FOR RAILROAD CARRIERS TRANS-
15 PORTING SECURITY SENSITIVE MATERIAL.—Not later
16 than 90 days after the last day of each calendar year, a
17 railroad carrier that transports security sensitive material
18 shall compile commodity data by route and storage pat-
19 tern, a line segment or series of line segments as aggre-
20 gated by the railroad carrier. Within a railroad carrier se-
21 lected route, the commodity data shall identify the geo-
22 graphic location of the route and storage pattern and the
23 total number of shipments by United Nations identifica-
24 tion number for security sensitive material and storage
25 patterns along the route.

1 (d) RAIL TRANSPORTATION ROUTE AND STORAGE
2 PATTERN ANALYSIS FOR SECURITY SENSITIVE MATE-
3 RIAL.—For each calendar year, a railroad carrier that
4 transports security sensitive material shall submit to the
5 Secretary a written analysis of the security risks for the
6 transportation routes and storage patterns identified in
7 the commodity data collected as required by subsection
8 (c). The analysis shall include the security risks present
9 for the route, railroad facilities, railroad storage facilities,
10 private storage facilities, and areas of concern along or
11 in proximity to the route.

12 (e) ALTERNATIVE ROUTE AND STORAGE PATTERN
13 ANALYSIS FOR SECURITY SENSITIVE MATERIAL.—

14 (1) IN GENERAL.—Before the last day of each
15 calendar year, a railroad carrier that transports se-
16 curity sensitive material shall submit to the Sec-
17 retary of Transportation a report containing—

18 (A) a description of any practical alter-
19 native routes and storage patterns that avoid
20 areas of concern for each of the transportation
21 routes or facilities such carrier used to trans-
22 port or store security sensitive material through
23 or near areas of concern during such calendar
24 year;

1 (B) a security risk assessment of each al-
2 ternative route and storage pattern that in-
3 cludes the information required under sub-
4 section (d); and

5 (C) a comparison of the risks identified
6 under subparagraph (B) to the applicable pri-
7 mary rail transportation route and storage pat-
8 tern analyzed under subsection (d).

9 (2) CONSIDERATIONS.—A railroad carrier shall
10 consider the availability of interchange agreements
11 or systems of tracks and facilities owned by other
12 operators when determining whether an alternate
13 route for transporting security sensitive material to
14 avoid areas of concern is practical pursuant to para-
15 graph (1)(A).

16 (3) IMPRACTICAL ALTERNATIVE ROUTE OR
17 STORAGE FACILITY.—A railroad carrier may con-
18 sider an alternate route or storage facility that
19 avoids an area of concern to not be a practical alter-
20 native route and storage pattern under paragraph
21 (1)(A) if—

22 (A) the shipment originates in or is des-
23 tined for the area of concern; or

24 (B) there would be no harm beyond the
25 property of the railroad carrier transporting the

1 shipment or storage facility storing the ship-
2 ment in the event of a successful terrorist at-
3 tack on the shipment.

4 (f) ALTERNATIVE ROUTE AND STORAGE PATTERN
5 SELECTION FOR SECURITY SENSITIVE MATERIAL.—Not
6 later than 90 days after submission of a report under sub-
7 section (e), the railroad carrier shall begin using the route
8 and storage pattern that, as determined by the analyses
9 required under subsections (d) and (e), best reduces the
10 risk, including consequences, of a terrorist attack on, or
11 derailment of, a shipment of security sensitive material
12 that is transported through or near an area of concern.

13 (g) REVIEW.—Not less than once every 5 years, each
14 railroad carrier that transports security sensitive material
15 shall conduct a comprehensive, system-wide review of all
16 operational changes, infrastructure modifications, traffic
17 adjustments, changes in the nature of the areas of concern
18 located along or in proximity to the route, or other
19 changes affecting the security of the movements of the ma-
20 terials determined to be security sensitive under sub-
21 section (b) that were implemented during the 5-year pe-
22 riod.

23 (h) DEFINITIONS.—In this section, the following defi-
24 nitions apply:

1 (1) AREA OF CONCERN.—The term “area of
2 concern” means a geographic region designated by
3 the Secretary of Transportation as commanding spe-
4 cial consideration with respect to the security of the
5 transportation of security sensitive material, which
6 shall include high threat urban areas as determined
7 by the Secretary.

8 (2) RAILROAD CARRIER.—The term “railroad
9 carrier” has the meaning given that term in section
10 20102 of title 49, United States Code.

11 (3) SECURITY SENSITIVE MATERIAL.—The term
12 “security sensitive material” means a material deter-
13 mined by the Secretary of Transportation to be se-
14 curity sensitive pursuant to subsection (b).

15 (4) STORAGE PATTERN.—The term “storage
16 pattern” means the conditions of storage, includ-
17 ing—

18 (A) location of cars in railroad yards or on
19 railroad-controlled leased tracks;

20 (B) type of storage, such as bulk transfer;

21 (C) typical types and numbers of security
22 sensitive material cars stored in close proximity
23 (in ranges);

24 (D) population density;

1 (E) average length of time cars are stored,
2 attended or unattended; and

3 (F) security measures present, including
4 physical security measures, secure handoffs and
5 nearest available safe havens for storage in case
6 of heightened threat conditions.

7 (5) **TERRORISM.**—The term “terrorism” has
8 the meaning given that term in section 2 of the
9 Homeland Security Act of 2002 (6 U.S.C. 101).

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