

114TH CONGRESS
2D SESSION

H. R. 5762

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

IN THE HOUSE OF REPRESENTATIVES

JULY 13, 2016

Ms. BONAMICI introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Ways and Means, Oversight and Government Reform, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Hazardous Materials Rail Transportation Safety Im-
6 provement Act of 2016”.

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

Sec. 1. Short title; table of contents.

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

Sec. 101. Establishment of a Hazardous Liquids Rail Spill Liability Account within the Oil Spill Liability Trust Fund.

Sec. 102. Hazardous substances discharges.

Sec. 103. Fee on certain hazardous flammable liquids transported by rail.

Sec. 104. Qualified tank car conversion expenses.

TITLE II—PREPAREDNESS

Sec. 201. High hazard rail shipments preparedness training standards.

Sec. 202. High hazard rail shipments preparedness grants.

Sec. 203. Track relocation and railroad inspection safety grants.

Sec. 204. Implementing recommendations of the National Transportation Safety Board.

TITLE III—DATA COLLECTION

Sec. 301. National preparedness survey.

Sec. 302. Hazardous materials rail car census.

Sec. 303. Energy train data collection.

Sec. 304. Train length study.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS

Sec. 401. Authorization of appropriations.

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

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

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

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

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

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

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

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

25 “(3) EXPENDITURES FROM ACCOUNT.—

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

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

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

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

8 “(i) awarding grants authorized under
9 subparagraphs (D) and (E) of section
10 5116(a)(1) of title 49, United States Code,

11 “(ii) awarding grants authorized
12 under section 203 of the Hazardous Mate-
13 rials Rail Transportation Safety Improve-
14 ment Act of 2016,

15 “(iii) carrying out the national pre-
16 paredness survey conducted under section
17 301 of the Hazardous Materials Rail
18 Transportation Safety Improvement Act of
19 2016,

20 “(iv) carrying out energy train data
21 collection under section 303 of the Haz-
22 ardous Materials Rail Transportation Safe-
23 ty Improvement Act of 2016, and

24 “(v) carrying out the train length
25 study under section 304 of the Hazardous

Materials Rail Transportation Safety Improvement Act of 2016.

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

(b) CONFORMING AMENDMENTS.—

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

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

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

SEC. 102. HAZARDOUS SUBSTANCES DISCHARGES.

(a) ELEMENTS OF LIABILITY.—Section 1002(a) of the Oil Pollution Act of 1990 (33 U.S.C. 2702(a)) is amended by inserting “or a discharge of oil posing a sub-

1 stantial threat to public health or welfare as described in
 2 section 311(c)(2) of the Federal Water Pollution Control
 3 Act (33 U.S.C. 1321(c)(2)) and resulting from rail trans-
 4 portation of such oil” after “economic zone”.

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

8 (1) by inserting “(i)” before “The Adminis-
 9 trator”; and

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

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

22 **SEC. 103. FEE ON CERTAIN HAZARDOUS FLAMMABLE LIQ-**
 23 **UIDS TRANSPORTED BY RAIL.**

24 (a) IMPOSITION.—

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

4 **“Subchapter E—Hazardous Flammable**
 5 **Liquids Transported by Rail**

“Sec. 4691. Imposition.

6 **“SEC. 4691. IMPOSITION.**

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

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

12 “(2) the entry into the United States of any
 13 DOT–111 tank car carrying any hazardous flam-
 14 mable liquids.

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

16 “(1) \$175 in the case of any placement or entry
 17 before January 1, 2017,

18 “(2) \$350 in the case of any placement or entry
 19 after December 31, 2016, and before January 1,
 20 2018,

21 “(3) \$700 in the case of any placement or entry
 22 after December 31, 2017, and before January 1,
 23 2019, and

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

3 “(c) PERSONS LIABLE.—

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

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

14 “(d) SPECIAL RULES.—

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

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

22 “(B) no hazardous flammable liquid has
23 been removed from such tank car after the first
24 imposition of such fee.

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

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

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

18 “(1) HAZARDOUS FLAMMABLE LIQUID.—The
19 term ‘hazardous flammable liquid’ means any liquid
20 which—

21 “(A) is listed in the hazardous materials
22 table contained in section 172.101 of title 49,
23 Code of Federal Regulations,

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

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

3 “(2) DOT-111 TANK CAR.—The term ‘DOT-
4 111 Tank Car’ means a rail tank car that—

5 “(A) meets the specifications for Class
6 DOT-111 tank cars set forth in subpart D of
7 part 179 of title 49, Code of Federal Regula-
8 tions, as in effect on the date of the enactment
9 of this section, and

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

11 “(i) in the case of any placement or
12 entry during a period in which the en-
13 hanced tank car final rule is in effect, such
14 enhanced tank car final rule (as in effect
15 on the date of such placement or entry),
16 and

17 “(ii) in the case of any other place-
18 ment or entry, the requirements of Cas-
19 ualty Prevention Circular 1232, as issued
20 by the Association of American Railroads
21 on August 31, 2011.

22 “(3) PERSON WHO OFFERS.—

23 “(A) IN GENERAL.—The term ‘person who
24 offers’ means any person who tenders or makes

1 the hazardous flammable liquid available to a
2 carrier for transportation in commerce.

3 “(B) SPECIAL RULE.—A carrier is not a
4 person who offers when it transfers a hazardous
5 material to another carrier for continued trans-
6 portation in commerce.

7 “(C) TERMS.—Any term used in this para-
8 graph which is defined in section 171.8 of title
9 49, Code of Federal Regulations, shall have the
10 meaning given such term under such section.

11 “(4) ENHANCED TANK CAR FINAL RULE.—The
12 term ‘enhanced tank car final rule’ means the final
13 rule issued on May 08, 2015, titled ‘Enhanced Tank
14 Car Standards and Operational Controls for High-
15 Hazard Flammable Trains’ (80 Fed. Reg. 26643).

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

23 (2) CLERICAL AMENDMENT.—The table of sub-
24 chapters for chapter 38 of the Internal Revenue

1 Code of 1986 is amended by adding at the end the
2 following new item:

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

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

5 (1) IN GENERAL.—Section 9509(b) of the In-
6 ternal Revenue Code of 1986 is amended by striking
7 “and” at the end of paragraph (7), by striking the
8 period at the end of paragraph (8) and inserting “,
9 and”, and by adding at the end the following new
10 paragraph:

11 “(9) amounts received in the Treasury under
12 section 4691.”.

13 (2) TRANSFER TO HAZARDOUS LIQUIDS RAIL
14 SPILL LIABILITY ACCOUNT.—Paragraph (2) of sec-
15 tion 9509(g) of such Code, as added by section 101,
16 is amended by adding at the end the following new
17 subparagraph:

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

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

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

2 (a) IN GENERAL.—Subpart D of part IV of sub-
3 chapter A of chapter 1 of the Internal Revenue Code of
4 1986 is amended by adding at the end the following new
5 section:

6 **“SEC. 45S. CREDIT QUALIFIED TANK CAR CONVERSION EX-**
7 **PENSES.**

8 “(a) GENERAL RULE.—For purposes of section 38,
9 the qualified tank car conversion credit determined under
10 this section for any taxable year is an amount equal to
11 15 percent of the qualified tank car conversion expenses
12 paid or incurred by the taxpayer during the taxable year.

13 “(b) LIMITATION.—The aggregate amount of credit
14 allowed under subsection (a) with respect to a taxpayer
15 for any taxable year shall not exceed \$10,000,000 reduced
16 by the amount of credit allowed under subsection (a) to
17 the taxpayer (or any predecessor) for all prior taxable
18 years.

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

21 “(1) IN GENERAL.—The term ‘qualified tank
22 car conversion expenses’ means any expenditures
23 paid or incurred by the taxpayer in converting a
24 qualified CPC–1232 tank car into a tank car that
25 meets the requirements and standards under the en-
26 hanced tank car final rule (as defined in section

1 4691(e)(4)) (as in effect on the date such expendi-
2 tures are paid or incurred).

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

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

9 “(B) was placed in service by the taxpayer
10 or leased by the lessee before the date of the
11 enactment of this section, and

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

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

16 “(ii) in the case of a tank car first
17 placed in service during the 12-month pe-
18 riod described in clause (i), for more than
19 the number of days prescribed by the Sec-
20 retary in regulations.

21 “(d) SPECIAL RULES.—

22 “(1) AGGREGATION RULES.—For purposes of
23 this section, all persons treated as a single employer
24 under subsection (a) or (b) of section 52, or sub-

1 section (m) or (o) of section 414, shall be treated as
2 one person.

3 “(2) BASIS ADJUSTMENT.—For purposes of
4 this subtitle, if a credit is allowed under this section
5 for an expenditure related to property of a character
6 subject to an allowance for depreciation, the basis of
7 such property shall be reduced by the amount of
8 such credit.

9 “(3) DENIAL OF DOUBLE BENEFIT.—

10 “(A) BONUS DEPRECIATION.—A credit
11 shall not be allowed under this section for any
12 investment for which bonus depreciation is al-
13 lowed under section 168(k), 1400L(b)(1), or
14 1400N(d)(1).

15 “(B) DEDUCTIONS.—No deduction under
16 this subtitle shall be allowed for the portion of
17 the expenses otherwise allowable as a deduction
18 taken into account in determining the credit
19 under this section for the taxable year which is
20 equal to the amount of the credit determined
21 for such taxable year under subsection (a) at-
22 tributable to such portion. This subparagraph
23 shall not apply to expenses related to property
24 of a character subject to an allowance for de-
25 preciation the basis of which is reduced under

1 paragraph (1), or which are described in section
2 280C(j).

3 “(C) CONSISTENT TREATMENT BY LESSOR
4 AND LESSEE.—In the case of a lease of a quali-
5 fied CPC–1232 tank car, the qualified tank car
6 conversion credit may only be claimed by the
7 party who is the tax owner of any tangible per-
8 sonal property for which the qualified tank car
9 conversion expenses are paid or incurred.

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

12 (b) CREDIT TO BE PART OF GENERAL BUSINESS
13 CREDIT.—Section 38(b) of the Internal Revenue Code of
14 1986 is amended by striking “plus” at the end of para-
15 graph (35), by striking the period at the end of paragraph
16 (36) and inserting “, plus”, and by adding at the end the
17 following new paragraph:

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

20 (c) CONFORMING AMENDMENTS.—

21 (1) Section 280C is amended by redesignating
22 the subsection following subsection (h) (relating to
23 qualifying therapeutic discovery project credit) as
24 subsection (i) and by adding at the end the following
25 new subsection:

1 “(j) QUALIFIED TANK CAR CONVERSION CREDIT.—
 2 No deduction shall be allowed for that portion of the quali-
 3 fied tank car conversion expenses (as defined in section
 4 45S(c)) otherwise allowable as a deduction for the taxable
 5 year which is equal to the amount of the credit determined
 6 for such taxable year under section 45S(a), reduced by—
 7 “(1) the amount disallowed as a deduction by
 8 reason of section 45S(d)(3)(B), and
 9 “(2) the amount of any basis reduction under
 10 section 45S(d)(2).”.

11 (2) The table of sections for subpart D of part
 12 IV of subchapter A of chapter 1 of such Code is
 13 amended by adding at the end the following new
 14 item:

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

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

19 **TITLE II—PREPAREDNESS**

20 **SEC. 201. HIGH HAZARD RAIL SHIPMENTS PREPAREDNESS** 21 **TRAINING STANDARDS.**

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

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

4 (2) by inserting after paragraph (1) the fol-
5 lowing:

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

7 “(A) any flammable liquid (as defined in
8 section 173.120 of title 49, Code of Federal
9 Regulations); and

10 “(B) any flammable gas (Division 2.1) (as
11 defined in section 173.115 of title 49, Code of
12 Federal Regulations).”.

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

15 (1) by redesignating subparagraphs (B) and
16 (C) as subparagraphs (C) and (D), respectively; and

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

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

1 **SEC. 202. HIGH HAZARD RAIL SHIPMENTS PREPAREDNESS**

2 **GRANTS.**

3 Section 5116(a) of title 49, United States Code, is
4 amended—

5 (1) in paragraph (1)—

6 (A) in subparagraph (B), by striking
7 “and” at the end;

8 (B) in subparagraph (C), by striking the
9 period at the end and inserting a semicolon;
10 and

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

12 “(D) to develop, improve, and carry out emer-
13 gency plans for communities through which railroads
14 transport a train or trains transporting at least 20
15 tank cars of flammable liquids or gases; and

16 “(E) to train public sector employees to re-
17 spond to accidents and incidents involving trains
18 transporting at least 20 tank cars of flammable liq-
19 uids or gases.”; and

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

21 “(k) **FEDERAL SHARE OF COSTS FOR HIGH HAZARD**
22 **TRAIN GRANTS.**—The Federal share of each grant award-
23 ed under subparagraphs (D) and (E) of subsection (a)(1)
24 shall be—

1 “(1) 100 percent of the eligible costs incurred
2 by the State or Indian tribe in fiscal years 2016,
3 2017, and 2018; and

4 “(2) 80 percent of the eligible costs incurred by
5 the State or Indian tribe in fiscal year 2019 and
6 each subsequent fiscal year.”.

7 **SEC. 203. TRACK RELOCATION AND RAILROAD INSPECTION**
8 **SAFETY GRANTS.**

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

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

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

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

23 (c) **ELIGIBILITY.**—A State or political subdivision of
24 a State is eligible to receive a grant under this section,

1 to the extent the project or activity is consistent with the
2 goals under subsection (b), for—

3 (1) projects eligible for assistance under section
4 24407(c)(6) of title 49, United States Code; or

5 (2) State rail safety participation under section
6 20105 of title 49, United States Code.

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

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

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

17 (A) public safety;

18 (B) the environment; and

19 (C) public or private property.

20 (e) NON-FEDERAL SHARE.—

21 (1) MAXIMUM FEDERAL SHARE.—Notwith-
22 standing the limitation set forth in section 20105(e)
23 of title 49, United States Code, the Federal share of
24 project costs under this section may be up to 90 per-
25 cent.

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

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

10 **SEC. 204. IMPLEMENTING RECOMMENDATIONS OF THE NA-**
11 **TIONAL TRANSPORTATION SAFETY BOARD.**

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

19 (1) Recommendation R–7–2, dated April 25,
20 2007 (relating to real-time information regarding
21 the identity and location of all hazardous materials
22 on a train).

23 (2) Recommendation R–14–14, dated August
24 22, 2014 (relating to railroads providing commu-
25 nities and States with current commodity flow data

1 and assisting with development of emergency oper-
2 ation and response plans).

3 (3) Recommendation R-14-18, dated August
4 22, 2014 (relating to ensuring that emergency re-
5 sponse information carried by train crews is con-
6 sistent with the Emergency Response Guidebook).

7 (4) Recommendations R-14-75 and R-14-76,
8 dated December 30, 2014 (relating to allowable lim-
9 its for track conditions).

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

21 (c) DETERMINATIONS WITH RESPECT TO PENDING
22 RECOMMENDATIONS.—Not later than 1 year after the
23 date of the enactment of this Act, and annually thereafter
24 until the recommendations described in subsections (a)
25 and (b) have been implemented, the Administrator of the

1 Federal Railroad Administration and the Administrator of
2 the Pipelines and Hazardous Materials Safety Administra-
3 tion shall submit a report to the congressional committees
4 referred to in section 301(2) that describes—

5 (1) the progress made in implementing each
6 recommendation required under subsection (a) or
7 (b), as applicable; and

8 (2) if any of the required recommendations
9 have not been fully implemented, the reasons for
10 such failure.

11 **TITLE III—DATA COLLECTION**

12 **SEC. 301. NATIONAL PREPAREDNESS SURVEY.**

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

15 (1) conduct a study of—

16 (A) the routes of trains transporting at
17 least 20 tank cars of flammable liquids or
18 gases; and

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

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

1 (A) the Committee on Finance of the Sen-
2 ate;

3 (B) the Committee on Environment and
4 Public Works of the Senate;

5 (C) the Committee on Energy and Natural
6 Resources of the Senate;

7 (D) the Committee on Commerce, Science,
8 and Transportation of the Senate;

9 (E) the Committee on Ways and Means of
10 the House of Representatives;

11 (F) the Committee on Energy and Com-
12 merce of the House of Representatives; and

13 (G) the Committee on Transportation and
14 Infrastructure of the House of Representatives;
15 and

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

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

20 (a) DATA COLLECTION.—As part of the 2017, 2022,
21 and 2027 quinquennial surveys authorized under section
22 131 of title 13, United States Code, the Secretary of Com-
23 merce, in coordination with the Secretary of Transpor-
24 tation, shall determine the number and types of rail tank
25 cars used to carry Class 3 hazardous materials (as defined

1 in section 172.101 of title 49, Code of Federal Regula-
2 tions).

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

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

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

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

14 The Administrator of the Energy Information Ad-
15 ministration, in coordination with the Secretary of Trans-
16 portation—

17 (1) shall collect information regarding—

18 (A) the volume of energy products trans-
19 ported by rail, including—

20 (i) petroleum crude oil;

21 (ii) ethanol;

22 (iii) liquefied natural gas; and

23 (iv) other energy products selected by
24 the Administrator; and

1 (B) the origins and destinations of the en-
2 ergy products transported by rail described in
3 subparagraph (A), including—

4 (i) energy products transported by rail
5 within Petroleum Administration Defense
6 Districts;

7 (ii) energy products transported by
8 rail between Petroleum Administration De-
9 fense Districts;

10 (iii) energy products imported to the
11 United States by rail from international
12 origins; and

13 (iv) energy products exported from
14 the United States by rail to international
15 destinations;

16 (2) may collect additional information to carry
17 out the purposes of this section from other sources,
18 including—

19 (A) surveys conducted by the Adminis-
20 trator;

21 (B) information collected by the Depart-
22 ment of Transportation;

23 (C) foreign governments; and

24 (D) third-party data; and

1 (3) shall make the information collected under
2 paragraphs (1) and (2) available to the public on an
3 Internet website that is updated monthly and does
4 not aggregate the volume of energy products trans-
5 ported by rail with the volume of energy products
6 transported by other modes of transportation.

7 **SEC. 304. TRAIN LENGTH STUDY.**

8 (a) IN GENERAL.—The Secretary of Transportation
9 shall conduct a study to determine whether train length
10 correlates with the severity and frequency of train
11 derailments.

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

14 (1) analyze the risks to public health, public
15 safety, the environment, and property that are asso-
16 ciated with transporting large volumes of hazardous
17 materials in unit trains;

18 (2) compile a list of all train accidents involving
19 unit trains of hazardous materials; and

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

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

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

5 (2) make the results of the study available to
 6 the public.

7 **TITLE IV—AUTHORIZATION OF** 8 **APPROPRIATIONS**

9 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

10 (a) HIGH HAZARD RAIL SHIPMENTS PREPAREDNESS
 11 AND TRAINING GRANTS.—

12 (1) IN GENERAL.—There is authorized to be
 13 appropriated \$15,000,000 in each of the fiscal years
 14 2016, 2017, and 2018 for grants authorized under
 15 subparagraphs (D) and (E) of section 5116(a)(1) of
 16 title 49, United States Code, as added by section
 17 202.

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

20 (A) the amounts appropriated for fiscal
 21 year 2016 shall remain available until Sep-
 22 tember 30, 2017; and

23 (B) the amounts appropriated for fiscal
 24 year 2017 shall remain available until Sep-
 25 tember 30, 2018.

1 (b) TRACK RELOCATION AND RAILROAD INSPECTION
2 SAFETY GRANTS.—There is authorized to be appropriated
3 \$25,000,000 in each of the fiscal years 2016, 2017, 2018,
4 and 2019 for grants authorized under section 203.

5 (c) DATA COLLECTION.—

6 (1) NATIONAL PREPAREDNESS STUDY.—There
7 is authorized to be appropriated \$5,000,000 to carry
8 out section 301.

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

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

14 (d) CERCLA.—There is authorized to be appro-
15 priated \$100,000,000 to carry out section 104 of the Com-
16 prehensive Environmental Response, Compensation, and
17 Liability Act of 1980 (42 U.S.C. 9604) only with respect
18 to actions attributable to releases of hazardous substances
19 (within the meaning of section 101 of such Act (42 U.S.C.
20 9601)) resulting from rail transportation of such haz-
21 ardous substances. Any sums so appropriated shall remain
22 available until expended.

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