

114TH CONGRESS
1ST SESSION

S. 1462

To improve the safety of oil shipments by rail and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 22, 2015

Mr. SCHUMER (for himself, Mr. DURBIN, Mrs. GILLIBRAND, Mrs. BOXER, and Mrs. FEINSTEIN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To improve the safety of oil shipments by rail 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 “Eliminating Dangerous
5 Oil Cars and Ensuring Community Safety Act”.

6 **SEC. 2. RETROFITTING OR PHASING-OUT CERTAIN TANK**
7 **CARS.**

8 Section 20155 of title 49, United States Code, is
9 amended to read as follows:

1 **“§ 20155. Tank cars**

2 “(a) RETROFITTING REQUIREMENT.—A rail carrier
3 may not ship any hazardous material in any DOT–111
4 or non-jacketed CPC–1232 tank car on or after the appli-
5 cable deadline set forth in subsection (b) unless the tank
6 car has been retrofitted in accordance with the DOT–117
7 specification design established by the May 2015 final rule
8 for the safe transportation of flammable liquids by rail.

9 “(b) DEADLINES.—The deadlines set forth in this
10 subsection are as follows:

11 “(1) For non-jacketed DOT–111 tank cars car-
12 rying materials in Packing Group I, January 1,
13 2017.

14 “(2) For jacketed DOT–111 tank cars carrying
15 materials in Packing Group I or II and non-jacketed
16 DOT–111 tank cars carrying materials in Packing
17 Group II, May, 1, 2017.

18 “(3) For non-jacketed CPC–1232 tank cars
19 carrying materials in Packing Group I, May 1,
20 2018.

21 “(4) For non-jacketed CPC–1232 tank cars
22 carrying materials in Packing Group II, May 1,
23 2019.

24 “(5) For jacketed CPC–1232 tank cars car-
25 rying materials in Packing Group I or II and all

1 tank cars carrying materials in Packing Group III,
 2 May 1, 2020.

3 “(c) DEFINITIONS.—In this section, the terms ‘Pack-
 4 ing Group I’, ‘Packing Group II’, and ‘Packing Group III’
 5 have the meanings given such terms in section 173.127(b)
 6 of title 49, Code of Federal Regulations.”.

7 **SEC. 3. CRUDE OIL STABILITY REQUIREMENT.**

8 (a) IN GENERAL.—Chapter 51 of title 49, United
 9 States Code, is amended by inserting after section 5110
 10 the following:

11 **“§ 5111. Crude oil volatility standard**

12 “Not later than 1 year after the date of the enact-
 13 ment of the Eliminating Dangerous Oil Cars and Ensuring
 14 Community Safety Act, the Secretary of Transpor-
 15 tation, in consultation with the Administrator of the Pipe-
 16 line and Hazardous Materials Safety Administration, shall
 17 establish and begin enforcing a national maximum vola-
 18 tility standard for the transport of crude oil by rail or by
 19 barge.”.

20 (b) CLERICAL AMENDMENT.—Chapter 51 of such
 21 title is amended by inserting after the item relating to sec-
 22 tion 5110 the following:

“5111. Crude oil volatility standard.”.

1 **SEC. 4. SPEED RESTRICTIONS FOR TRAINS WITH TANK**
2 **CARS THAT DO NOT COMPLY WITH FEDERAL**
3 **SAFETY STANDARDS.**

4 (a) DOT-111 TANK CARS.—Any train carrying more
5 than 10 cars, including at least 1 DOT-111 tank car car-
6 rying a hazardous material that has not been retrofitted
7 in accordance with the DOT-117 specification design es-
8 tablished by the May 2015 final rule for the safe transpor-
9 tation of flammable liquids by rail, may not be operated
10 at a speed greater than 40 miles per hour while traveling
11 through a county (or county equivalent) that has a popu-
12 lation density of greater than 20 persons per square mile,
13 as determined in the most recent decennial census.

14 (b) UNJACKETED CPC-1232 TANK CARS.—Begin-
15 ning on the date that is 2 years after the date of the enact-
16 ment of this Act, any train carrying more than 10 cars,
17 including at least 1 non-jacketed CPC-1232 tank car car-
18 rying a hazardous material that has not been retrofitted
19 in accordance with the DOT-117 specification design es-
20 tablished by the May 2015 final rule for the safe transpor-
21 tation of flammable liquids by rail, may not be operated
22 at a speed greater than 40 miles per hour while traveling
23 through a county (or county equivalent) that has a popu-
24 lation density of greater than 20 persons per square mile,
25 as determined in the most recent decennial census.

1 **SEC. 5. INSPECTIONS.**

2 In addition to the track inspections required under
 3 sections 213.233 and 213.237 of title 49, Code of Federal
 4 Regulations, as of the date of the enactment of this Act,
 5 each rail carrier shall conduct, on main line routes that
 6 the rail carrier owns or has been assigned maintenance
 7 responsibility under section 213.5 of such title, and over
 8 which 1 or more high-hazard flammable trains are oper-
 9 ated—

10 (1) 2 additional inspections for internal defects
 11 of all rail in Classes 3, 4, and 5 for every
 12 40,000,000 gross tons transported on such lines, or
 13 annually, whichever interval is shorter; and

14 (2) 4 track geometry inspections each calendar
 15 year.

16 **SEC. 6. POSITIVE TRAIN CONTROL REQUIREMENT.**

17 Chapter 201 of title 49, United States Code, is
 18 amended—

19 (1) by striking section 20150; and

20 (2) in section 20157—

21 (A) by redesignating subsection (i) as sub-
 22 section (j); and

23 (B) by inserting after subsection (h) the
 24 following:

25 “(i) TRAINS THAT CARRY CRUDE OIL OR ETH-
 26 ANOL.—Beginning on December 1, 2018, each rail line

1 over which tank cars carrying crude oil or ethanol travel
 2 shall be equipped with a positive train control system.”.

3 **SEC. 7. OIL SPILL RESPONSE PLANS.**

4 (a) REQUIREMENT.—Chapter 209 of title 49, United
 5 States Code, is amended by adding at the end the fol-
 6 lowing:

7 **“§ 20904. Oil spill response plans**

8 “(a) COMPREHENSIVE OIL SPILL RESPONSE
 9 PLANS.—Each rail carrier that transports crude oil, petro-
 10 leum, or other hazardous products by rail shall develop
 11 comprehensive oil spill response plans, in accordance with
 12 part 130 of title 49, Code of Federal Regulations.

13 “(b) RESPONSE PLAN AUDIT PROGRAM.—The Ad-
 14 ministrator of the Federal Railroad Administration shall
 15 develop a program to audit response plans for rail carriers
 16 of crude oil, petroleum, and other hazardous products to
 17 ensure that such plans include comprehensive procedures
 18 for—

19 “(1) preventing or mitigating a substantial
 20 threat of a worst-case discharge of such products re-
 21 sulting from a rail accident or incident; and

22 “(2) responding to and cleaning up such a dis-
 23 charge.”.

24 (b) RULEMAKING.—The Administrator of the Pipe-
 25 line and Hazardous Materials Safety Administration, in

1 consultation with the Administrator of the Federal Rail-
 2 road Administration, shall update the regulations con-
 3 tained in part 130 of title 49, Code of Federal Regula-
 4 tions, by revising the spill response planning thresholds
 5 to require comprehensive response plans to effectively pro-
 6 vide for the carrier's ability to respond to worst-case dis-
 7 charges resulting from accidents involving unit trains or
 8 blocks of tank cars transporting oil and petroleum prod-
 9 ucts.

10 (c) CLERICAL AMENDMENT.—The table of sections
 11 in chapter 209 of title 49, United States Code, is amended
 12 by adding at the end the following:

“20904. Oil spill response plans.”.

13 **SEC. 8. REPORTING REQUIREMENTS.**

14 (a) CLOSE CALL REPORTING SYSTEMS.—Section
 15 20901 of title 49, United States Code, is amended by add-
 16 ing at the end the following:

17 “(c) CLOSE CALL REPORTING SYSTEM.—Each rail
 18 carrier shall establish a system through which employees
 19 may anonymously report circumstances or incidents that
 20 endanger the safety of railroad operations.”.

21 (b) DERAILMENT REPORTING REQUIREMENT.—Sec-
 22 tion 20901 of such title, as amended by subsection (a),
 23 is further amended by adding at the end the following:

24 “(d) DERAILMENT REPORTING REQUIREMENTS.—

1 “(1) DEFINED TERM.—In this subsection, the
 2 term ‘high hazard flammable train’ means a train
 3 comprised of more than 10 loaded tank cars of a
 4 Class 3 flammable liquid.

5 “(2) IMMEDIATE NOTIFICATION.—Immediately
 6 after the derailment of any high hazard flammable
 7 train operated by a rail carrier, the rail carrier shall
 8 provide the Federal Railroad Administration and the
 9 county emergency management contact (or equiva-
 10 lent) in the county in which the train derailed
 11 with—

12 “(A) information about the train, includ-
 13 ing—

14 “(i) the train number;

15 “(ii) the models of locomotive at-
 16 tached to the train;

17 “(iii) end-of-train device information;

18 “(iv) the number and position of tank
 19 cars in the train;

20 “(v) tank car reporting marks; and

21 “(vi) tank car specifications and rel-
 22 evant attributes, including information re-
 23 lated to thermal protection, shell and head
 24 thickness, steel specification and grade,

1 head shield, and pressure relief valve set-
2 ting;

3 “(B) information contained on the waybill,
4 including the origin and destination of the
5 train, the goods being transported, and the
6 name and contact information for consignors of
7 such goods;

8 “(C)(i) the safety data sheet for each haz-
9 ardous chemical being transported by the train,
10 as required under section 1910.1200(g) of title
11 29, Code of Federal Regulations; or

12 “(ii) any other documents used to provide
13 comprehensive emergency response and incident
14 mitigation information for Class 3 flammable
15 liquids.

16 “(3) SUBSEQUENT NOTIFICATION.—Not later
17 than 90 minutes after the derailment of any high
18 hazard flammable train operated by a rail carrier,
19 the rail carrier shall provide the Federal Railroad
20 Administration with—

21 “(A) the results of any product testing un-
22 dertaken before transportation that was used to
23 properly characterize the Class 3 flammable liq-
24 uids for transportation;

1 “(B) the results from any analysis of prod-
2 uct samples taken before being offered into
3 transportation from tank cars involved in the
4 derailment;

5 “(C) if a flammable liquid is involved in
6 the derailment, the type of liquid and the name
7 and location of the company extracting the ma-
8 terial;

9 “(D) the identification of the company that
10 conducted the initial testing of the material, in-
11 cluding sampling and analysis;

12 “(E) the name and location of the com-
13 pany transporting the material from the well
14 head to the loading facility or terminal;

15 “(F) the name and location of the com-
16 pany that owns and that operates the terminal
17 or loading facility that loaded the product for
18 rail transportation;

19 “(G) the name of the railroads handling
20 the tank cars at any time from point of origin
21 to destination; and

22 “(H) a timeline of handling changes be-
23 tween railroads.”.

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