

118TH CONGRESS
2D SESSION

H. R. 8996

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

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2024

Mr. NEHLS (for himself, Mr. MOULTON, Mrs. SYKES, Mr. DELUZIO, Mr. VAN ORDEN, Mr. RULLI, Mr. D'ESPOSITO, Ms. STANSBURY, and Mr. LAWLER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, Space, and Technology, 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 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 2024”.

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

Sec. 1. Short title; table of contents.

TITLE I—RAIL SAFETY

- 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. Grant programs for adoption of certain telematics systems.
- Sec. 122. Enhancing freight railcar onboard telematics and sensor development pilot program.
- Sec. 123. Train approach warning.
- Sec. 124. Railroad-Shipper Transportation Advisory Council.

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).

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

3 **SEC. 102. SAFETY REQUIREMENTS FOR HIGH-HAZARD**
4 **TRAINS.**

5 (a) TANK CAR SAFETY REQUIREMENTS.—Section
6 20155 of title 49, United States Code, is amended to read
7 as follows:

8 **“§ 20155. High-hazard trains**

9 “(a) DEFINITIONS.—In this section:

10 “(1) EXPLOSIVES.—The term ‘explosives’
11 means Class 1 explosives categorized in Division 1.1,
12 1.2, or 1.3 (as such terms are defined in section
13 173.50 of title 49, Code of Federal Regulations).

14 “(2) FLAMMABLE GAS.—The term ‘flammable
15 gas’ has the meaning given such term in section
16 173.115(a) of title 49, Code of Federal Regulations.

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

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

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

4 “(A) 20 or more tank cars loaded with a
5 flammable liquid;

6 “(B) 1 tank car or intermodal portable
7 tank load with a material toxic or poisonous by
8 inhalation;

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

11 “(D) 10 or more cars loaded with explo-
12 sives;

13 “(E) 5 or more tank cars loaded with a
14 flammable gas; or

15 “(F) 20 or more cars loaded with any com-
16 bination of flammable liquids, flammable gases,
17 or explosives.

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

24 “(7) MATERIAL TOXIC OR POISONOUS BY INHA-
25 LATION.—The term ‘material toxic or poisonous by

1 inhalation’ has the meaning given the term ‘Material
2 poisonous by inhalation or Material toxic by inhala-
3 tion’ in section 171.8 of title 49, Code of Federal
4 Regulations.

5 “(b) RULEMAKING.—Not later than 1 year after the
6 date of the enactment of the Railroad Safety Enhance-
7 ment Act of 2024, the Secretary, in consultation with ap-
8 propriate Federal agencies, shall issue regulations that—

9 “(1) rescind the requirements set forth in para-
10 graphs (4) and (5) of section 174.310(a) of title 49,
11 Code of Federal Regulations, with respect to tank
12 cars carrying hazardous materials other than Class
13 3 flammable liquids;

14 “(2) revise the requirements set forth in section
15 174.310(a)(2) of title 49, Code of Federal Regula-
16 tions—

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

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

1 mable liquid meet or exceed the DOT specifica-
2 tion 117 standards, the DOT specification
3 117P performance standards, or the DOT spec-
4 ification 117R retrofit standards set forth in
5 subpart D of part 179 of title 49, Code of Fed-
6 eral Regulations, including DOT-105A, DOT-
7 105H, DOT-105J, DOT-105S, DOT-112H,
8 DOT-112J, DOT-112S, and DOT-120S tank
9 cars;

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

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

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

18 “(i) the identity, quantity, and loca-
19 tion of hazardous materials on a train;

20 “(ii) the point of origin and destina-
21 tion of the train;

22 “(iii) any emergency response infor-
23 mation or resources required by the Sec-
24 retary; and

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

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

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

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

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

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

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

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

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

10 “(i) has knowledge of the railroads’
11 transportation of hazardous materials; and

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

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

1 cy responsible for emergency response or law en-
2 forcement that makes an initial request for such in-
3 formation, any updates received by the State emer-
4 gency response commission;

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

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

24 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion may be construed to prohibit a Class I railroad from

1 voluntarily entering into a memorandum of understanding
2 with a State emergency response commission or an entity
3 representing or including first responders, emergency re-
4 sponse officials, and law enforcement personnel.

5 “(d) SAFETY IMPROVEMENTS.—Not later than 1
6 year after the date of the enactment of the Railroad Safety
7 Enhancement Act of 2024, the Secretary shall evaluate
8 and update, to the extent necessary for safety and in com-
9 pliance with Executive Order 12866 (5 U.S.C. 601 note;
10 relating to regulatory planning and review), the oper-
11 ational requirements for high-hazard trains to ensure the
12 safe transportation of hazardous materials by rail, includ-
13 ing—

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

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

21 “(e) HAZARDOUS MATERIALS EMERGENCY RE-
22 SPONSE PLANS.—

23 “(1) PLAN CONTENTS.—The Secretary shall
24 promulgate regulations, in compliance with Execu-
25 tive Order 12866, requiring all Class I railroads that

1 operate high-hazard trains to submit to the Sec-
2 retary hazardous materials emergency response
3 plans that are consistent with the format of the Na-
4 tional Response Team ‘One Plan’. Such plans shall
5 include—

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

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

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

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

19 “(E) plans to facilitate hazardous mate-
20 rials release liability claims.

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

24 “(3) TRIENNIAL REVIEW.—Not later than 1
25 year after a Class I railroad submits a hazardous

1 materials emergency response plan pursuant to
2 paragraph (1), and on a triennial basis thereafter,
3 the Secretary shall review such plan. If the Sec-
4 retary identifies deficiencies during such review, the
5 Secretary shall describe the nature of any defi-
6 ciencies and allow for correction.

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

10 (b) CLERICAL AMENDMENT.—The analysis in chap-
11 ter 201 of title 49, United States Code, is amended by
12 inserting after the item relating to section 20154 the fol-
13 lowing:

“20155. High-hazard trains.”.

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

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

1 Rail Safety Act of 2021, by reviewing and subsequently
2 updating, if necessary for safety and in compliance with
3 Executive Order 12866 (5 U.S.C. 601 note; relating to
4 regulatory planning and review), existing safety regula-
5 tions to ensure the safe transportation of goods and pas-
6 sengers by rail, including consideration of the impact that
7 train length and weight have on the safe transportation
8 of high-hazard trains.

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

17 (c) REPORTING REQUIREMENT.—

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

23 (2) PUBLICATION.—The Federal Railroad Ad-
24 ministration shall publish on its Rail Safety Data

1 website a summary of all reportable incidents and
2 accidents, categorized by train length and weight.

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

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

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

11 (A) Federal Railroad Administration data;

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

15 (C) data from the blocked highway-rail
16 grade crossing portal; and

17 (D) geographic diversity; and

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

22 (b) MEMBERS.—In establishing the membership to
23 conduct the study described in subsection (a)(1), the Na-
24 tional Academy of Sciences shall appoint not fewer than
25 3 of its members who—

1 (1) are engineering or rail experts;

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

4 (3) have relevant experience in railroad safety
5 technology or railroad operating experience; and

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

7 (c) ELEMENTS.—The study conducted pursuant to
8 subsection (a)(1) shall—

9 (1) examine any potential impacts to railroad
10 and community safety due to blocked highway-rail
11 grade crossings;

12 (2) identify potential financial impacts incurred
13 by the railroad or its customers due to blocked
14 crossings;

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

18 (4) examine community impacts that result
19 from blocked crossings;

20 (5) examine causes for blocked crossings;

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

1 (7) identify practical solutions to prevent
2 blocked crossings.

3 (d) REPORT.—Not later than 2 years after the date
4 of the enactment of this Act, the Secretary shall submit
5 a report to the Committee on Commerce, Science, and
6 Transportation of the Senate and the Committee on
7 Transportation and Infrastructure of the House of Rep-
8 resentatives that contains the results of the study con-
9 ducted by the National Academy of Sciences pursuant to
10 this section.

11 (e) FUNDING.—From the amounts appropriated for
12 fiscal year 2024 to carry out section 20108 of title 49,
13 United States Code, the Secretary shall expend such sums
14 as may be necessary, but not more than \$2,000,000, to
15 carry out the study required under this section.

16 (f) RAILROAD CROSSING ELIMINATION PROGRAM.—
17 Section 22909 of title 49, United States Code, is amend-
18 ed—

19 (1) in subsection (f)(2)(C)—

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

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

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

1 “(iii) a bus route to a school or within
2 1 mile of a school;” and

3 (2) in subsection (g)—

4 (A) by striking “Except” and inserting the
5 following:

6 “(1) IN GENERAL.—Except”; and

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

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

12 (g) RAILROAD POINT OF CONTACT FOR BLOCKED
13 CROSSINGS.—

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

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

1 (3) PUBLICLY AVAILABLE.—Each railroad car-
2 rier subject to this subsection shall notify the Sec-
3 retary of the telephone number referred to in para-
4 graph (1) or (2), who shall post such number on a
5 publicly-available website of the Department of
6 Transportation.

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

12 **SEC. 105. INSPECTIONS.**

13 (a) TIME AVAILABLE FOR INSPECTION.—

14 (1) IN GENERAL.—Subchapter II of chapter
15 201 of title 49, United States Code, is amended by
16 adding at the end the following:

17 **“§ 20172. Time available for inspection**

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

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

1 (2) CLERICAL AMENDMENT.—The analysis for
2 subchapter II of chapter 201 of title 49, United
3 States Code, is amended by adding at the end the
4 following:

“20172. Time available for inspection.”.

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

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

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

21 (3) to require each railroad that operates rail-
22 road freight cars to which such part 215 applies to
23 designate persons qualified to inspect railroad
24 freight rail cars, subject to any existing collective

1 bargaining agreement, for compliance and deter-
2 minations required under such part.

3 (c) QUALIFIED LOCOMOTIVE INSPECTIONS.—Not
4 later than 1 year after the date of the enactment of this
5 Act, the Secretary shall review and amend, as necessary,
6 regulations under chapters 229 and 243 of title 49, Code
7 of Federal Regulations—

8 (1) to ensure appropriate training qualifications
9 and proficiency of employees, including qualified me-
10 chanical inspectors, performing locomotive inspec-
11 tions; and

12 (2) for locomotives in service on a Class I rail-
13 road, to require an additional daily inspection to be
14 performed by a qualified mechanical inspector be-
15 tween the current intervals under section
16 229.23(b)(2) of title 49, Code of Federal Regula-
17 tions.

18 (d) AUDITS.—

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

1 (A) consider whether the railroad has in
2 place procedures necessary for railcar, loco-
3 motive, and train brake system inspection com-
4 pliance under such chapter;

5 (B) assess the type, content, and adequacy
6 of training and performance metrics the rail-
7 road provides employees who perform railcar,
8 locomotive, and train brake system inspections,
9 including the qualifications specified for such
10 employees;

11 (C) determine whether the railroad has
12 practices that would interfere with an employ-
13 ee's responsibility to perform an inspection
14 safely;

15 (D) determine whether railcars, loco-
16 motives, and train brake systems are inspected
17 on the railroad's network in accordance with
18 such chapter;

19 (E) involve proper communication of iden-
20 tified defects to railroad personnel and make
21 appropriate use of remedial action reports to
22 verify that repairs are made;

23 (F) determine whether managers coerce
24 employees to sign off on any documents

1 verifying an inspection or repair of a railcar, lo-
2 comotive, or train brake system;

3 (G) determine whether the railroad's in-
4 spection procedures reflect the current oper-
5 ating practices of the railroad carrier; and

6 (H) ensure that railroad inspection proce-
7 dures only provide for the use of persons per-
8 mitted to perform each relevant inspection
9 under such chapter.

10 (2) AUDIT SCHEDULING.—The Secretary
11 shall—

12 (A) schedule the audits required under
13 paragraph (1) to ensure that—

14 (i) every Class I railroad is audited
15 not less frequently than once every 5 years;
16 and

17 (ii) a limited number, as determined
18 by the Secretary, of Class II and Class III
19 railroads are audited annually, provided
20 that—

21 (I) no audit of a tourist, scenic,
22 historic, or excursion operation may
23 be required under this subsection; and

1 (II) no other Class II or III rail-
2 road may be audited more frequently
3 than once every 5 years; and

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

6 (i) the Small Business Regulatory En-
7 forcement Fairness Act of 1996 (5 U.S.C.
8 601 note); and

9 (ii) appendix C of part 209 of title 49,
10 Code of Federal Regulations.

11 (3) UPDATES TO INSPECTION PROGRAM AND
12 PROCEDURES.—If, during an audit required under
13 this subsection, the auditor identifies a deficiency in
14 a railroad’s procedures or practices necessary to en-
15 sure compliance with chapter II of subtitle B of title
16 49, Code of Federal Regulations, the railroad shall
17 eliminate such deficiency, after first being provided
18 the opportunity to address whether such a deficiency
19 exists.

20 (4) CONSULTATION AND COOPERATION.—

21 (A) CONSULTATION.—In conducting any
22 audit required under this subsection, the Sec-
23 retary shall consult with the railroad being au-
24 dited and its employees, including any nonprofit
25 employee labor organization representing the

1 employees of the railroad that conduct railcar,
2 locomotive, or train brake system inspections.

3 (B) COOPERATION.—The railroad being
4 audited and its employees, including any non-
5 profit employee labor organization representing
6 mechanical employees, shall fully cooperate with
7 any audit conducted pursuant to this sub-
8 section—

9 (i) by providing any relevant docu-
10 ments requested; and

11 (ii) by making available any employees
12 for interview without undue delay or ob-
13 struction.

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

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

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

11 (1) summarizes the findings of the audits con-
12 ducted pursuant to subsection (c) during the most
13 recently concluded fiscal year;

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

17 (3) excludes any confidential business informa-
18 tion or sensitive security information.

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

21 (1) to provide the Secretary with any authority
22 to interpret, revise, alter, or apply a collectively bar-
23 gained agreement, nor any authority over collective
24 bargaining, collectively bargained agreements, or any

1 aspect of the Railway Labor Act (45 U.S.C. 151 et
2 seq.);

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

5 (3) to abridge any procedural rights or rem-
6 edies provided under a collectively bargained agree-
7 ment.

8 **SEC. 106. EMERGENCY BRAKE SIGNALS.**

9 (a) IN GENERAL.—Not later than 30 days after the
10 date of the enactment of this Act, the Administrator of
11 the Federal Railroad Administration shall convene a meet-
12 ing of the Railroad Safety Advisory Committee for the
13 purpose of considering a regulatory safety task on the
14 functioning of emergency brake signals.

15 (b) PURPOSE.—The Railroad Safety Advisory Com-
16 mittee shall consider—

17 (1) the sufficiency of the regulations under part
18 232 of title 49, Code of Federal Regulations, with
19 regard to end-of-train and head-of-train device com-
20 munications;

21 (2) whether National Transportation Safety
22 Board Safety Recommendations R-20-028 and R-
23 20-029 have been adequately addressed;

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

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

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

11 (1) develop initial recommendations with re-
12 spect to the matters considered under subsection (b);
13 and

14 (2) complete a work plan for implementing such
15 recommendations.

16 **SEC. 107. DEFECT DETECTION SYSTEMS.**

17 (a) IN GENERAL.—Subchapter II of chapter 201 of
18 title 49, United States Code, as amended by section
19 105(a)(1), is further amended by adding at the end the
20 following:

21 **“§ 20173. Defect detection systems**

22 “(a) DEFINITIONS.—In this section:

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

1 “(2) DEFECT DETECTION SYSTEM.—The term
2 ‘defect detection system’ means the use of defect de-
3 tectors, the analysis of the data defect detectors
4 produce, and any other aspects a system that help
5 railroads identifying and understand the severity of
6 known safety conditions.

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

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

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

16 “(A) a segment or route of railroad
17 tracks—

18 “(i) over which 5,000,000 or more
19 gross tons of railroad traffic is transported
20 annually; and

21 “(ii) that has a maximum authorized
22 speed for freight trains in excess of 25
23 miles per hour; and

24 “(B) intercity rail passenger transportation
25 or commuter rail passenger transportation

1 routes or segments over which high-hazard
2 trains operate.

3 “(6) PHYSICAL CHARACTERISTICS.—The term
4 ‘physical characteristics’ means the physical terrain
5 and operating considerations related to the physical
6 terrain for the relevant main line.

7 “(b) DEFECT DETECTOR ANALYSIS PROGRAM.—The
8 Secretary shall develop a program for the research, devel-
9 opment, testing, and evaluation of defect detector systems
10 to inform and support the rulemaking required under sub-
11 section (d) and the evaluation of plans under subsection
12 (c), which shall include—

13 “(1) an evaluation of existing manufacturer rec-
14 ommended practices, industry-developed voluntary
15 consensus technical standards, and railroad safety
16 data to inform appropriate standards for commer-
17 cially available defect detector systems and ensure
18 the integrity and reliability of their use on the gen-
19 eral railroad system, including standards relating
20 to—

21 “(A) maintenance;

22 “(B) testing;

23 “(C) inspection; and

24 “(D) installation;

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

6 “(3) an evaluation of existing processes and
7 procedures for decision making and communication
8 of appropriate safety actions necessary to address
9 unsafe equipment or operations, including—

10 “(A) stoppage of rail equipment;

11 “(B) setting out rail equipment;

12 “(C) train speed reduction;

13 “(D) diverting a train; and

14 “(E) inspection requirements;

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

19 “(5) research to understand new or developing
20 technologies.

21 “(c) PLAN ELEMENTS.—

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

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

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

5 “(i) how the network will reduce the
6 risk of incidents near population centers
7 and on high-hazard train routes; and

8 “(ii) a description of how the network
9 will be implemented by the deadline set
10 forth in subsection (d)(1)(B);

11 “(B) a description of how the railroad’s de-
12 fect detection system meets or exceeds the de-
13 fect detection performance standards described
14 in subsection (d)(1)(D);

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

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

1 “(ii) for main lines not equipped with
2 acoustic bearing detectors or other similar
3 technology, at a distance averaging 15
4 route miles to the extent possible based on
5 the physical characteristics of the route;
6 and

7 “(iii) for main lines equipped with
8 acoustic bearing detectors or other similar
9 technology, at a distance averaging 20
10 route miles to the extent possible based on
11 the physical characteristics of the route
12 along which such detectors are being in-
13 stalled;

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

17 “(E) the manufacturer’s expected perform-
18 ance for each type of defect detector and how
19 the carrier will assess compliance with such per-
20 formance;

21 “(F) procedures for promptly providing
22 pertinent safety alerts to train employees, in-
23 cluding locomotive engineers and conductors,
24 train dispatchers, and relevant maintenance em-
25 ployees;

1 “(G) the ability to share relevant safety
2 data from the defect detector network with
3 other railroad carriers and with rail car owners;

4 “(H) policies and procedures for training
5 employees regarding relevant elements of the
6 defect detector system, including—

7 “(i) persons whose duties include in-
8 stalling, maintaining, repairing, modifying,
9 inspecting, reviewing data, and testing
10 safety-critical elements of the railroad’s de-
11 fect detector, including central office, way-
12 side, or onboard subsystems;

13 “(ii) persons who receive and review
14 defect detector alerts; and

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

17 “(I) policies for maintaining records re-
18 garding the required elements of the rail defect
19 detector network for not less than 5 years,
20 which shall not include data on individual
21 alerts; and

22 “(J) designs for the collection and anal-
23 ysis, including applicable alerts, thresholds, and
24 corresponding safety actions.

1 “(3) ALTERNATIVE HOT BEARING DETECTION
2 PLAN.—

3 “(A) SUBMISSION.—A rail carrier may
4 comply with an alternative hot bearing detec-
5 tion plan instead of the requirements described
6 in paragraph (2)(C) if—

7 “(i) the rail carrier submits such plan
8 to the Secretary and the Secretary ap-
9 proves the plan; and

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

13 “(B) TRIENNIAL REVIEWS.—Not less fre-
14 quently than triennially, the Secretary shall re-
15 view each alternative plan approved pursuant to
16 subparagraph (A) to determine its continuing
17 effectiveness at detecting bearing-related de-
18 fects.

19 “(d) RULEMAKING.—

20 “(1) IN GENERAL.—Not later than 1 year after
21 the date of the enactment of the Railroad Safety
22 Enhancement Act of 2024, the Secretary shall ini-
23 tiate a rulemaking, and not later than 2 years after
24 such date of enactment, the Secretary shall issue a
25 final rule, in compliance with Executive Order

1 12866 (5 U.S.C. 601 note; relating to regulatory
2 planning and review), that—

3 “(A) requires covered rail carriers to sub-
4 mit, not later than 1 year after the issuance of
5 such final rule, defect detector network plans
6 that include the elements described in sub-
7 section (c)(2);

8 “(B) requires the covered rail carrier to
9 implement the plan required under paragraph
10 (1) not later than 3 years after the issuance of
11 such final rule;

12 “(C) creates procedures to review, approve,
13 monitor compliance of such plans;

14 “(D) establishes performance standards
15 measured by the ability of a defect detection
16 system to identify defects before a condition
17 that is likely to result in an accident or inci-
18 dent, including how such ability will be meas-
19 ured and reported for data related to require-
20 ments;

21 “(E) requires the reporting of data regard-
22 ing the defect detector network effectiveness, in-
23 cluding defect detector failures;

24 “(F) creates requirements for covered rail
25 carriers to test, inspect, and maintain any de-

1 fect detector based on the evaluation completed
2 pursuant to subsection (b)(1); and

3 “(G) establish appropriate thresholds for
4 alerts and corresponding safety actions, to the
5 extent necessary.

6 “(2) UPDATED STANDARDS.—The performance
7 standards established pursuant to paragraph (1)(D)
8 shall be updated not less frequently than once every
9 5 years.

10 “(e) UPDATES AND APPROVALS.—

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

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

16 “(B) to address changes made to the per-
17 formance standards pursuant to subsection
18 (d)(2).

19 “(2) APPROVALS.—To ensure safety, the Sec-
20 retary shall promptly review each plan submitted
21 pursuant to subsection (d)(1), including the suffi-
22 ciency of the performance standards required under
23 subsection (c)(1)(D), and approve or reject each
24 plan and update that is required to be submitted
25 under this section.

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

5 “(4) **PUBLIC AVAILABILITY.**—Not later than 60
6 days after receipt, the Secretary shall make available
7 to the public on the website of the Department of
8 Transportation any plan or update submitted pursu-
9 ant to this section, but the Secretary shall redact—

10 “(A) proprietary information, as verified
11 by the Secretary; and

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

16 “(f) **ENFORCEMENT.**—The Secretary may assess a
17 civil penalty under chapter 213 of this title for any viola-
18 tion pursuant to the rulemaking under subsection (a)
19 for—

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

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

1 “(g) PRESERVATION OF AUTHORITY.—Nothing in
2 this section may be construed to restrict the authority of
3 the Secretary.”.

4 (b) CLERICAL AMENDMENT.—The analysis for sub-
5 chapter II of chapter 201 of title 49, United States Code,
6 as amended by section 105(a)(2), is further amended by
7 adding at the end the following:

“20173. Defect detection systems.”.

8 (c) TEMPORARY DEFECT DETECTION ASSIST-
9 ANCE.—

10 (1) FORMULA GRANT PROGRAM.—The Adminis-
11 trator of the Federal Railroad Administration shall
12 establish a formula grant program to assist com-
13 muter railroads with installing defect detection tech-
14 nology.

15 (2) ELIGIBLE ENTITIES.—A commuter railroad
16 that has a contract with a Class I railroad, as of
17 May 1, 2023, that requires the commuter railroad to
18 install defect detection technology that complies with
19 the approved plan submitted pursuant to section
20 20173 of title 49, United States Code, is eligible to
21 receive a grant under this subsection.

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

1 (4) REQUIREMENTS.—Any eligible entity that
2 receive grant funding under this subsection shall
3 comply with the grant conditions set forth in such
4 section 22909(j).

5 (5) AUTHORIZATION OF APPROPRIATIONS.—
6 There is authorized to be appropriated to the Fed-
7 eral Railroad Administration such amounts as may
8 be necessary to carry out the formula grant program
9 under this subsection.

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

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

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

16 **“§ 20154. Freight train crew size safety standards**

17 “(a) MINIMUM CREW SIZE.—Except as provided in
18 subsections (b) and (c), a freight train operated by a Class
19 I railroad may not be operated without a 2-person crew
20 consisting of at least 1 appropriately qualified and cer-
21 tified conductor and 1 appropriately qualified and certified
22 locomotive engineer.

23 “(b) EXCEPTIONS.—

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

4 “(A) train operations on track that is not
5 a main line track (as defined in section
6 20173(a)(2);

7 “(B) locomotives performing assistance to
8 a train that has incurred mechanical failure or
9 lacks the power to traverse difficult terrain, in-
10 cluding traveling to or from the location where
11 assistance is provided;

12 “(C) locomotives that—

13 “(i) are not attached to any equip-
14 ment or are attached only to a caboose;
15 and

16 “(ii) do not travel farther than 50
17 miles from the point of origin of such loco-
18 motive; and

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

1 “(2) TRAINS INELIGIBLE FOR EXCEPTION.—

2 The exceptions under paragraph (2) may not be ap-
3 plied to—

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

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

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

11 “(d) PRESERVATION OF AUTHORITY.—Nothing in
12 this section may be construed to restrict the authority of
13 the Secretary.”.

14 (c) CLERICAL AMENDMENT.—The analysis for sub-
15 chapter II of chapter 201 of title 49, United States Code,
16 is amended by inserting after the item relating to section
17 20153 the following:

 “20154. Freight train crew size safety standards.”.

18 **SEC. 109. INCREASED PENALTIES FOR VIOLATIONS OF RAIL**
19 **SAFETY REGULATIONS.**

20 (a) RAILROAD SAFETY VIOLATIONS.—Section
21 21301(a) of title 49, United States Code, is amended—

22 (1) by striking paragraphs (1) and (2) and in-
23 serting the following:

24 “(1) A person may not fail to comply with a require-
25 ment of, a regulation prescribed under, or an order issued

1 by, the Secretary under chapters 201 through 211. Sub-
2 ject to section 21304, a person violating a requirement
3 of, a regulation prescribed under, or an order issued by,
4 the Secretary under chapters 201 through 211 is liable
5 to the United States Government for a civil penalty. An
6 act by an individual that causes a railroad carrier to be
7 in violation constitutes a violation of this paragraph. A
8 separate violation occurs for each day such violation con-
9 tinues.

10 “(2) The Secretary shall include in, or make applica-
11 ble to, each requirement of, regulation prescribed under,
12 and order issued under chapters 201 through 211 a civil
13 penalty for a violation of such requirement, regulation, or
14 order in an amount equal to—

15 “(A) at least \$5,000 and not more than
16 \$1,000,000; or

17 “(B) if the person committing such violation is
18 a small business concern (as such term is used in
19 part 121 of title 13, Code of Federal Regulations (or
20 a successor regulation)), including a Class III rail-
21 road, at least \$1,000 and not more than \$200,000.”;

22 (2) by redesignating paragraphs (3) and (4) as
23 paragraphs (5) and (6), respectively;

24 (3) by inserting after paragraph (2) the fol-
25 lowing:

1 “(3) If a violation described in paragraph (1) results
2 in death, serious illness, or severe injury to any person,
3 causes an imminent hazard of death or injury, or results
4 in the substantial destruction of property, the Secretary
5 may increase the civil penalty required under paragraph
6 (2) to—

7 “(A) a maximum of \$5,000,000; or

8 “(B) if the person committing such violation is
9 a small business concern (as such term is used in
10 part 121 of title 13, Code of Federal Regulations (or
11 a successor regulation)), a maximum of \$500,000.

12 “(4) The Secretary may double the civil penalty oth-
13 erwise required under paragraph (2) or (3) if the violation
14 follows a pattern of repeated violations or otherwise re-
15 flects a deliberate indifference or conscious disregard to
16 the consequences of the conduct.”; and

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

1 (b) HOURS OF SERVICE VIOLATIONS.—Section
2 21301 of title 49, United States Code, is amended by add-
3 ing at the end the following:

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

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

20 “(3) A separate violation of section 21106 occurs for
21 each day employee sleeping quarters are not in compliance
22 with the requirements under such section.”.

23 (c) UPDATES OF PENALTIES FOR INFLATION.—Not-
24 withstanding any other provision of law, including the

1 Federal Civil Penalties Inflation Adjustment Act of 1990
2 (28 U.S.C. 2461 note), the inflation adjustment—

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

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

11 (d) REPEAL.—

12 (1) IN GENERAL.—Chapter 213 of title 49,
13 United States Code, is amended by striking sections
14 21302 and 21303.

15 (2) CLERICAL AMENDMENT.—The analysis for
16 chapter 213 of title 49, United States Code, is
17 amended by striking the items relating to sections
18 21302 and 21303.

19 **SEC. 110. SAFER TANK CARS.**

20 (a) CLASS 3 FLAMMABLE LIQUIDS PHASE-OUT
21 SCHEDULE.—Beginning on December 31, 2027, no rail-
22 road tank car, regardless of its construction date, may be
23 used to transport Class 3 flammable liquids in packing
24 groups II and III (other than Class 3 flammable liquids
25 listed in paragraphs (1) and (2) of section 7304(b) of the

1 Hazardous Materials Transportation Safety Improvement
2 Act of 2015 (49 U.S.C. 20155 note)), regardless of the
3 composition of the train consist, unless such tank car
4 meets or exceeds the DOT-117, DOT-117P, or DOT-
5 117R specifications (as in effect on the date of the enact-
6 ment of this Act), including DOT-105A, DOT-105H,
7 DOT-105J, DOT-105S, DOT-112H, DOT-112S, DOT-
8 112J, DOT-120J, and DOT-120S tank cars.

9 (b) CONFORMING REGULATORY AMENDMENTS.—

10 (1) IN GENERAL.—The Secretary—

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

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

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

23 (c) AMENDING THE PHASE-OUT DATE.—If the Sec-
24 retary, based on the data contained in the report issued
25 pursuant to subsection (d), determines that the phase-out

1 date under subsection (a) cannot be met due to insuffi-
2 cient manufacturing capacity or would otherwise result in
3 significant impacts to interstate commerce, the Secretary
4 shall delay the phase-out scheduled under subsection (a)
5 to December 31, 2028.

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

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

17 (2) identifies the retrofit capacity of tank car
18 manufacturers and other entities in North America
19 that can retrofit DOT–111 tank cars to meet DOT–
20 117R specification requirements;

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

24 (4) identifies the number of tank cars that need
25 to be phased out or retrofitted under subsection (a)

1 and paragraph (2) and the number that could be
2 retrofitted; and

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

4 **SEC. 111. RAIL SAFETY INFRASTRUCTURE RESEARCH AND**
5 **DEVELOPMENT GRANTS.**

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

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

19 **SEC. 112. AUTHORIZATION OF APPROPRIATIONS FOR TANK**
20 **CAR RESEARCH AND DEVELOPMENT.**

21 There is authorized to be appropriated to the Pipeline
22 and Hazardous Materials Safety Administration,
23 \$5,000,000, which shall be used for expenses related to
24 the development of—

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

3 (2) other tank car safety features.

4 **SEC. 113. FEDERAL RAILROAD ADMINISTRATION SAFETY**
5 **CULTURE.**

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

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

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

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

24 (1) reorganization of its safety offices and man-
25 agement structure;

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

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

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

15 **SEC. 114. GAO REPORT ON ROADWAY WORKER PROTEC-**
16 **TIONS.**

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

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

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

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

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

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

23 (A) the primary function and features;

24 (B) the maturity, implementation readi-
25 ness, and user experience;

1 (C) the frequency of implementation;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 (4) whether the system used for the notifica-
2 tion, processing, or storing of civil penalty enforce-
3 ment cases and other compliance actions rec-
4 ommended by safety inspectors and specialists
5 against railroads, shippers of hazardous materials,
6 and other respondents effectively supports the Fed-
7 eral Railroad Administration’s compliance inspection
8 and enforcement program;

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

16 (6) recommendations for any reforms that
17 could—

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

23 (B) improve Federal Railroad Administra-
24 tion workforce management processes; or

1 (C) increase the capacity for inspection ac-
2 tivities, if such capacity is identified as defi-
3 cient, at the Federal Railroad Administration,
4 including activities relating to the transpor-
5 tation of hazardous materials.

6 **SEC. 116. OFFICE OF PERSONNEL MANAGEMENT REVIEW**
7 **OF SAFETY INSPECTOR AND SPECIALIST**
8 **CLASSIFICATIONS.**

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

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

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

20 (A) current critical Federal Railroad Ad-
21 ministration disciplines; and

22 (B) technological advancements and oper-
23 ational conditions within the railroad industry.

24 (b) **REPORT.**—Not later than 30 days after com-
25 pleting the review required under subsection (a), if the Di-

1 rector determines that a revision of the Railroad Safety
2 Series is not appropriate, the Director shall submit a re-
3 port to the Committee on Homeland Security and Govern-
4 mental Affairs of the Senate, the Committee on Com-
5 merce, Science, and Transportation of the Senate, the
6 Committee on Oversight and Accountability of the House
7 of Representatives, and the Committee on Transportation
8 and Infrastructure of the House of Representatives that—

9 (1) explains the findings of the review required
10 under subsection (a); and

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

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

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

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

22 (a) **REQUIREMENTS FOR CLOSE CALL REPORTING**
23 **SYSTEM.**—The Administrator of the National Aeronautics
24 and Space Administration and the Administrator of the
25 Federal Railroad Administration shall jointly ensure that

1 any close call reporting system carried out by such Admin-
2 istrators provides for the following:

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

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

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

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

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

21 (b) APPLICATION OF CLOSE CALL REPORTING TO
22 AMTRAK.—Each Class I railroad and Amtrak shall, not
23 later than 60 days after the date of enactment of this Act,
24 enroll in the confidential close call reporting system for
25 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 gency 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 2025 through 2028, 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 2025 through 2028.

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. GRANT PROGRAMS FOR ADOPTION OF CERTAIN**
12 **TELEMATICS SYSTEMS.**

13 (a) ONBOARD FREIGHT RAILCAR TELEMATICS SYS-
14 TEMS AND GATEWAY DEVICE GRANT PROGRAM.—The
15 Administrator of the Federal Railroad Administration
16 shall establish a grant program to provide funds to freight
17 railcar owners or operators to install and maintain—

18 (1) onboard freight railcar telematics systems;

19 or

20 (2) onboard freight railcar gateway devices.

21 (b) USE OF FUNDS.—Funds provided under this sec-
22 tion may be used for onboard freight railcar telematic sys-
23 tems or onboard freight railcar gateway devices that en-
24 able the recipient of a grant to obtain and enhance the

1 data collected from such systems and devices resulting in
2 the following:

3 (1) Near real-time visibility of freight railcar lo-
4 cation and freight railcar asset health.

5 (2) Increasing the visibility to the safety of the
6 asset and commodity within the freight railcar asset.

7 (3) Increasing future capability of real-time vis-
8 ibility to railcar owners in the development of on-
9 board freight railcar sensor technology that meas-
10 ures or monitors, for purposes of gathering informa-
11 tion on maintenance requirements (and enables rail-
12 car owners, operators, and shippers to identify rail-
13 cars that could become a hazard)—

14 (A) railcar impact;

15 (B) wheel or wheel bearing temperature;

16 (C) whether a hand brake is on or off;

17 (D) whether a hatch is open or closed; and

18 (E) internal railcar temperature.

19 (4) Increasing the efficiency of railcar utiliza-
20 tion in the North American freight railcar fleet.

21 (5) Reducing reliance on human and manual
22 data capture, reducing the risk of errors related to
23 freight railcar data and information.

1 (6) Offering development of alerts and triggers
2 to capture and transmit freight railcar mechanical
3 issues to the railroad operator for action.

4 (7) Ability to communicate events real-time to
5 a wide variety of stakeholders.

6 (c) GRANT USE PRIORITIZATION.—In selecting re-
7 cipients of grants under this section, the Administrator
8 shall prioritize installation of onboard freight railcar
9 telematic systems or onboard freight railcar gateway de-
10 vices in the following order of priority:

11 (1) Newly built freight railcars manufactured
12 by a qualified manufacturer in a qualified facility.

13 (2) Freight railcars entering a certification
14 event in a qualified facility.

15 (3) Freight railcars entering a shopping event
16 or maintenance event in a qualified facility.

17 (d) FREIGHT RAILCAR TYPE PRIORITIZATION.—
18 After establishing the priority requirements under sub-
19 section (c), the Administrator shall further ensure that the
20 freight railcar types eligible to receive such an installation
21 be considered in the following order of priority:

22 (1) Tank cars in “TIH/PIH” (toxic inhalation
23 products) service.

24 (2) Tank cars in Class I, II, and III flammable
25 service.

1 (3) Tank cars in hazardous materials service.

2 (4) Tank cars in specialized service.

3 (5) Other tank cars.

4 (6) All other freight railcars.

5 (e) LIMITATION.—To be eligible for any expenditure
6 of funds under this section, a freight railcar and any sen-
7 sitive technology relating to such railcar shall comply with
8 the requirements of section 20171 of title 49, United
9 States Code.

10 (f) REPORT TO CONGRESS.—Not later than 1 year
11 after the date of enactment of this Act, the Administrator
12 shall submit a report to the Committee on Commerce,
13 Science, and Transportation of the Senate and the Com-
14 mittee on Transportation and Infrastructure of the House
15 of Representatives on the activities carried out with funds
16 provided under this section, including the number of
17 freight railcars that have been outfitted with onboard rail-
18 car telematics or gateway devices using such funds.

19 (g) DEFINITIONS.—In this section, the following defi-
20 nitions apply:

21 (1) ONBOARD FREIGHT RAILCAR TELEMATICS
22 SYSTEM; ONBOARD FREIGHT RAILCAR GATEWAY DE-
23 VICE.—The terms “onboard freight railcar
24 telematics system” and “onboard freight railcar
25 gateway device” mean the telematics or gateway de-

1 vice physically installed on a freight railcar that is
2 installed and owned by a railcar owner that collects
3 and transmits data about the railcar asset.

4 (2) TELEMATICS.—The term “telematics”
5 means a technology that—

6 (A) relies on telecommunications,
7 informatics, and computer and data processing;

8 (B) generates data and informatics from
9 gateway devices fixed to railcars and provide for
10 the exchange of information over a distance
11 using battery or solar powered wireless connec-
12 tions; and

13 (C) includes the method upon which
14 freight railcars are monitored by using GPS
15 technology through a gateway device using on-
16 board diagnostics to plot a railcar’s movements
17 and, if applicable, gather railcar equipment
18 health and condition data from other onboard
19 railcar sensors when applied.

20 (3) GATEWAY DEVICE.—The term “gateway de-
21 vice” means a network hardware or software node
22 used in freight railcar telecommunications that—

23 (A) connects two networks with different
24 transmission protocols together;

1 (B) serve as an entry and exit point for a
2 network as all data collected from the railcar
3 must pass through or communicate with the
4 gateway prior to being routed;

5 (C) are distinct from routers or switches in
6 that they communicate using more than one
7 protocol to connect multiple networks; and

8 (D) may be any device on a freight railcar
9 that is embedded with electronics, software,
10 sensors, or other connectivity, that enables the
11 device to connect to, collect data from, or ex-
12 change data with another device, including—

- 13 (i) railcar onboard telematics;
14 (ii) global positioning system satellite
15 and cellular location tracking systems;
16 (iii) railcar event status sensors;
17 (iv) railcar predictive component con-
18 dition and performance monitoring sen-
19 sors; and
20 (v) similar sensitive technologies em-
21 bedded into freight railcar components and
22 sub-assemblies.

23 (4) RAILROAD FREIGHT CAR.—The term “rail-
24 road freight car” means a car designed to carry
25 freight or railroad personnel by rail, including—

- 1 (A) a box railcar;
2 (B) a refrigerator railcar;
3 (C) a ventilator railcar;
4 (D) an intermodal well railcar;
5 (E) a gondola railcar;
6 (F) a hopper railcar;
7 (G) an auto rack railcar;
8 (H) a flat railcar;
9 (I) a special railcar;
10 (J) a caboose railcar;
11 (K) a tank railcar; and
12 (L) a yard railcar.

13 (5) QUALIFIED FACILITY.—The term “qualified
14 facility” means a facility that is not owned or under
15 the control of a state-owned enterprise.

16 (6) QUALIFIED MANUFACTURER.—The term
17 “qualified manufacturer” means a railroad freight
18 car manufacturer that is not owned or under the
19 control of a state-owned enterprise.

20 (7) CERTIFICATION EVENT.—The term “certifi-
21 cation event” means a railroad freight car that is re-
22 quired by current regulations to be recertified in a
23 maintenance facility or qualified facility.

24 (8) SHOPPING EVENT.—The term “shopping
25 event” means a railroad freight car that is under-

1 going regular or routine maintenance and physically
2 located in a railcar maintenance facility or qualified
3 facility.

4 (9) STATE-OWNED ENTERPRISE.—The term
5 “state-owned enterprise” means—

6 (A) an entity that is owned by, or under
7 the control of, a national, provincial, or local
8 government of a country of concern, or an
9 agency of such government; or

10 (B) an individual acting under the direc-
11 tion or influence of a government or agency de-
12 scribed in subparagraph (A).

13 (10) COUNTRY OF CONCERN.—The term “coun-
14 try of concern” means a country that—

15 (A) is identified by the Department of
16 Commerce as a nonmarket economy country (as
17 defined in section 771(18) of the Tariff Act of
18 1930 (19 U.S.C. 1677(18))) as of the date of
19 enactment of the Passenger Rail Expansion and
20 Rail Safety Act of 2021;

21 (B) was identified by the United States
22 Trade Representative in the most recent report
23 required by section 182 of the Trade Act of
24 1974 (19 U.S.C. 2242) as a foreign country in-

1 cluded on the priority watch list (as defined in
2 subsection (g)(3) of such section); and

3 (C) is subject to monitoring by the Trade
4 Representative under section 306 of the Trade
5 Act of 1974 (19 U.S.C. 2416).

6 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to carry out this section
8 \$100,000,000 for each of fiscal years 2025 through 2028,
9 to remain available until expended.

10 **SEC. 122. ENHANCING FREIGHT RAILCAR ONBOARD**
11 **TELEMATICS AND SENSOR DEVELOPMENT**
12 **PILOT PROGRAM.**

13 (a) ESTABLISHMENT.—The Administrator of the
14 Federal Railroad Administration shall establish a pilot
15 program to—

16 (1) assist freight railcar owners and freight
17 railcar manufacturers in the development of freight
18 railcar onboard sensor technologies to add visibility
19 to the safety of the freight railcar asset and com-
20 modity within the freight railcar asset;

21 (2) encourage development of freight railcar on-
22 board sensors that communicate to the freight rail-
23 car onboard gateway device to offer future capabili-
24 ties of real-time visibility of—

25 (A) wheel and wheel bearing temperature;

1 (B) whether a hand brake is on or off;

2 (C) whether a hatch is open or closed; and

3 (D) internal railcar temperature; and

4 (3) carry out any of the activities described in
5 paragraph (1) and (2) for purposes of informing
6 railcar owners or operators on maintenance require-
7 ments, and enables railroads, shippers, and railcar
8 owners to possibly identify railcars that could be-
9 come a hazard.

10 (b) ELIGIBLE ENTITIES.—Eligible entities for fund-
11 ing under pilot program under this section are freight rail-
12 car owners.

13 (c) LIMITATION.—To be eligible for any expenditure
14 of funds under this section, a freight railcar and any sen-
15 sitive technology relating to such railcar shall comply with
16 the requirements of section 20171 of title 49, United
17 States Code.

18 (d) REPORT TO CONGRESS.—Not later than 1 year
19 after the date of enactment of this Act, the Administrator
20 shall submit to the Committee on Commerce, Science, and
21 Transportation of the Senate and the Committee on
22 Transportation and Infrastructure of the House of Rep-
23 resentatives a report on—

24 (1) the activities carried out with funds pro-
25 vided under this section; and

1 (2) the effectiveness of developed freight railcar
2 onboard sensors by outlining the types and numbers
3 of sensors that have become industry accepted and
4 are in use on freight railcars.

5 (e) DEFINITIONS.—

6 (1) FREIGHT RAILCAR ONBOARD SENSOR.—The
7 term “freight railcar onboard sensor” means the on-
8 board sensor that communicates or signals the
9 freight railcar onboard telematics device or gateway
10 device physically installed on a freight railcar that is
11 installed by, and owned by the railcar owner that
12 collects and transmits data about the railcar asset to
13 the railcar owner, data system, or data collection
14 point.

15 (2) RAILROAD FREIGHT CAR.—The term “rail-
16 road freight car” means a car designed to carry
17 freight or railroad personnel by rail, including—

18 (A) a box railcar;

19 (B) a refrigerator railcar;

20 (C) a ventilator railcar;

21 (D) an intermodal well railcar;

22 (E) a gondola railcar;

23 (F) a hopper railcar;

24 (G) an auto rack railcar;

25 (H) a flat railcar;

- 1 (I) a special railcar;
- 2 (J) a caboose railcar;
- 3 (K) a tank railcar; and
- 4 (L) a yard railcar.

5 (3) TELEMATICS.—The term “telematics”
6 means a technology that—

7 (A) relies on telecommunications,
8 informatics, and computer and data processing;

9 (B) generates data and informatics from
10 gateway devices fixed to railcars and provide for
11 the exchange of information over a distance
12 using battery or solar powered wireless connec-
13 tions; and

14 (C) includes the method upon which
15 freight railcars are monitored by using GPS
16 technology through a gateway device using on-
17 board diagnostics to plot a railcar’s movements
18 and, if applicable, gather railcar equipment
19 health and condition data from other onboard
20 railcar sensors when applied.

21 (4) GATEWAY DEVICE.—The term “gateway de-
22 vice” means a network hardware or software node
23 used in freight railcar telecommunications that—

24 (A) connects two networks with different
25 transmission protocols together;

1 (B) serve as an entry and exit point for a
2 network as all data collected from the railcar
3 must pass through or communicate with the
4 gateway prior to being routed;

5 (C) are distinct from routers or switches in
6 that they communicate using more than one
7 protocol to connect multiple networks; and

8 (D) may be any device on a freight railcar
9 that is embedded with electronics, software,
10 sensors, or other connectivity, that enables the
11 device to connect to, collect data from, or ex-
12 change data with another device, including—

- 13 (i) railcar onboard telematics;
14 (ii) global positioning system satellite
15 and cellular location tracking systems;
16 (iii) railcar event status sensors;
17 (iv) railcar predictive component con-
18 dition and performance monitoring sen-
19 sors; and
20 (v) similar sensitive technologies em-
21 bedded into freight railcar components and
22 sub-assemblies.

23 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to carry out this section

1 \$10,000,000 for each of fiscal years 2025 through 2028,
2 to remain available until expended.

3 **SEC. 123. TRAIN APPROACH WARNING.**

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

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

11 (2) may only include the use of a verbal warn-
12 ing if a single worker receiving such warning is with-
13 in arms reach of the individual issuing such warn-
14 ing.

15 **SEC. 124. RAILROAD-SHIPPER TRANSPORTATION ADVISORY**
16 **COUNCIL.**

17 Section 1325 of title 49, United States Code, is
18 amended—

19 (1) in subsection (a)—

20 (A) by striking “19” and inserting “23”;

21 (B) in paragraph (1) by inserting “, railcar
22 leasing,” before “and rail shipper industries.”;
23 and

24 (C) in paragraph (3)—

25 (i) by striking “6” and inserting “8”;

1 (ii) in subparagraph (A), by striking
2 “and” at the end;

3 (iii) in subparagraph (B), by striking
4 the period at the end and inserting “;
5 and”; and

6 (iv) by adding at the end the fol-
7 lowing:

8 “(C) 2 shall be representatives of rail car
9 lessors.”; and

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

11 “(g) DEFINITIONS.—In this section:

12 “(1) RAIL CAR LEASING.—The terms ‘rail car
13 leasing’ means the act of leasing a rail car by a rail
14 car lessor.

15 “(2) RAIL CAR LESSOR.—The term ‘rail car les-
16 sor’ means an entity that—

17 “(A) owns a variety of different types of
18 rail cars and lease such rail cars to railroads or
19 shippers under contracts that require the lessor
20 to provide maintenance and administrative serv-
21 ices; and

22 “(B) is not owned or controlled by an enti-
23 ty or entities that are rail carriers, rail opera-
24 tors, or shippers.”.

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-

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

3 “(B) REQUIREMENT.—Subject to subpara-
4 graph (C), the fee established under subpara-
5 graph (A) shall be—

6 “(i) at least \$250 but not more than
7 \$500 from each person that—

8 “(I) is required to file a registra-
9 tion statement under this section; and

10 “(II) is identified as a small busi-
11 ness (within the meaning of part 121
12 of title 13, Code of Federal Regula-
13 tions (or successor regulations)); and

14 “(ii) at least \$500 but not more than
15 \$5,000 from each person that—

16 “(I) is required to file a registra-
17 tion statement under this section; and

18 “(II) is not identified as a small
19 business (within the meaning of part
20 121 of title 13, Code of Federal Regu-
21 lations (or successor regulations)).”.

22 **SEC. 202. VIRTUAL TRAINING OPTIONS.**

23 Section 5115(b)(1) of title 49, United States Code,
24 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 purchase
10 personal protective equipment, as determined by the
11 Secretary, needed to respond to a hazardous mate-
12 rials emergency response incident, consistent with
13 paragraph (7) and subject to the condition that not
14 more than 50 percent of the funds made available
15 under this subsection may be used for that purpose;

16 “(E) to conduct and organize simulated and
17 field exercises relating to hazardous materials trans-
18 portation incidents; and

19 “(F) to develop a hazardous materials transpor-
20 tation emergency response preparedness gap analysis
21 in accordance with paragraph (9).”;

22 (B) in paragraph (5)(A)—

23 (i) in clause (i), by striking “public
24 sector employees being trained” and insert-

- 1 ing “emergency response personnel being
2 trained virtually or in person”;
- 3 (ii) in clause (ii), by striking “employ-
4 ees” and inserting “personnel”;
- 5 (iii) in clause (iii)—
- 6 (I) by striking “employees” and
7 inserting “personnel”; and
- 8 (II) by striking “and” after the
9 semicolon at the end; and
- 10 (iv) by adding at the end the fol-
11 lowing:
- 12 “(v) to cover the costs of personnel needed
13 to replace any personnel being trained; and
- 14 “(vi) to cover lost wages for any volunteer
15 being trained, up to a reasonable amount deter-
16 mined by the Secretary;”;
- 17 (C) in paragraph (6)—
- 18 (i) by striking subparagraph (A) and
19 inserting the following:
- 20 “(A) whether grant funds will be used to sup-
21 port the ability of the United States to respond to
22 hazardous materials incidents near infrastructure
23 commonly used to transport hazardous materials;”;
- 24 and

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

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

6 (E) by inserting after paragraph (4) the
7 following:

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

12 “(i) not less than 70 percent of the grant
13 funds; or

14 “(ii) eligible services or activities described in
15 paragraph (1) having a value of not less than 70
16 percent of the amount of the grant.

17 “(B) A State shall certify to the Secretary that the
18 State has made the distribution to eligible local entities
19 required under paragraph (1) by providing such informa-
20 tion as the Secretary shall require.

21 “(C)(i) The Governor of a State may request in writ-
22 ing that the Secretary extend the period under subpara-
23 graph (A) for an additional period of time.

24 “(ii) The Secretary may approve a request under
25 clause (i) if the Secretary determines that the delay in

1 providing grant funding to eligible local entities pursuant
2 to the extension is necessary to promote effective invest-
3 ments to prepare for or respond to hazardous materials
4 transportation incidents.

5 “(D) Subparagraph (A) shall not apply to Tribes, the
6 District of Columbia, the Commonwealth of Puerto Rico,
7 American Samoa, the Commonwealth of the Northern
8 Mariana Islands, Guam, or the Virgin Islands.

9 “(E) An eligible local entity may petition the Sec-
10 retary to request that grant funds be provided by the Sec-
11 retary directly to the eligible local entity if a State fails
12 to apply for a grant under this subsection.

13 “(F) In making grant funds available to eligible local
14 entities under subparagraph (A), States shall consider
15 whether the eligible local entity has a high proportion of
16 volunteer emergency responders.

17 “(G) For purposes of this paragraph, term ‘eligible
18 local entity’ means each of the following:

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

20 “(ii) A public emergency response organiza-
21 tion.”;

22 (F) by inserting after paragraph (6) (as so
23 redesignated) the following:

24 “(7) A recipient of funds provided under this sub-
25 section may use the funds to purchase personal protective

1 equipment only if the recipient agrees to properly maintain
2 and store that personal protective equipment.”; and

3 (G) by inserting after paragraph (8) (as so
4 redesignated) the following:

5 “(9)(A) Each hazardous materials transportation
6 emergency response preparedness gap analysis shall in-
7 clude—

8 (i) an identification of gaps and limitations of
9 the hazard response program of the applicable juris-
10 diction, including—

11 (I) knowledge and personal protective
12 equipment gaps; and

13 (II) gaps in training, including Incident
14 Command Management training and ASTM
15 Standard E3241 training; and

16 (ii) a strategic plan to address the gaps and
17 limitations identified under clause (i).

18 (B) In developing a hazardous materials transpor-
19 tation emergency response preparedness gap analysis
20 under subparagraph (A), the entity preparing the analysis
21 shall—

22 (i) coordinate with Regional Response Teams
23 (as described in section 300.115 of title 40, Code of
24 Federal Regulations (or a successor regulation));

1 “(ii) include States, Tribes, hazardous materials
2 emergency response programs, local governments,
3 and emergency response personnel (including fire
4 service organizations) in that development, as appro-
5 priate; and

6 “(iii) provide an opportunity for States, Tribes,
7 hazardous materials emergency response programs,
8 local governments, and emergency response per-
9 sonnel (including fire service organizations) to re-
10 view and comment on the analysis before the anal-
11 ysis is published.”;

12 (3) in subsection (d)—

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

15 “(2) CERTAIN AMOUNTS.—Amounts”;

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

20 “(1) IN GENERAL.—A grant under this section
21 is for 90 percent of the costs incurred by a State,
22 or 100 percent of the costs incurred by a Tribe,”;
23 and

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

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

6 (4) in subsection (h)—

7 (A) in the second sentence—

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

10 (ii) by redesignating paragraphs (1)
11 through (4) as subparagraphs (A) through
12 (D), respectively, and indenting appro-
13 priately; and

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

17 “(2) USES.—Without”;

18 (B) in the first sentence—

19 (i) by striking “section 5108(g)(2)(C)
20 of this title” and inserting “section
21 5108(g)(2)(D)”;

22 (ii) by striking “The Secretary” and
23 inserting the following:

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

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

1 “(3) SET ASIDE.—

2 “(A) IN GENERAL.—The amounts collected
3 under section 5123—

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

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

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

10 “(i) shall apply until the earliest date
11 on which the total amount set aside and
12 available for expenditure under that sub-
13 paragraph equals or exceeds \$50,000,000;
14 and

15 “(ii) after that date, shall apply to
16 each subsequent period—

17 “(I) beginning on a date on
18 which the total amount set aside and
19 available for expenditure under that
20 subparagraph is less than
21 \$20,000,000; and

22 “(II) ending on the earliest sub-
23 sequent date on which the total
24 amount set aside and available for ex-

1 penditure under that subparagraph
2 equals or exceeds \$50,000,000.”;

3 (5) in subsection (k)—

4 (A) in paragraph (3), by striking “such
5 planning and training programs” and inserting
6 “each grant program”;

7 (B) by redesignating paragraphs (1)
8 through (4) as subparagraphs (A), (B), (D),
9 and (E), respectively, and indenting appro-
10 priately;

11 (C) by inserting after subparagraph (B)
12 (as so redesignated) the following:

13 “(C) a description of any personal protec-
14 tive equipment purchased using grant funds;”;
15 and

16 (D) in the matter preceding subparagraph
17 (A) (as so redesignated)—

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

20 (ii) by striking “the report to the pub-
21 lic” in the first sentence and all that fol-
22 lows through “grants and include—” in
23 the third sentence and inserting the fol-
24 lowing: “to the public an annual report
25 that—

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

3 “(A) this section; and

4 “(B) subsections (e) and (i) of section
5 5107;

6 “(2) identifies the ultimate recipients of those
7 grants;

8 “(3) identifies the amount of funding available
9 for each grant;

10 “(4) describes any unobligated balances, total
11 annual drawdown by each grantee, and recovered
12 balances;

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

15 “(6) includes—”;

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

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

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

24 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
25 5128(b) of title 49, United States Code, is amended—

1 (1) in the matter preceding paragraph (1), by
2 striking “Hazardous Materials Preparedness Fund”
3 and inserting “Hazardous Materials Emergency Pre-
4 paredness Fund”;

5 (2) in paragraph (3), by striking “section
6 5116(h)(3); and” and inserting “section
7 5116(h)(2)(C);”; and

8 (3) by striking paragraph (4) and inserting the
9 following:

10 “(4) \$4,000,000 to carry out section 5116(i);
11 and

12 “(5) \$1,000,000 to carry out section 5116(j).”.

13 (d) CLERICAL AMENDMENT.—The analysis for chap-
14 ter 51 of title 49, United States Code, is amended by
15 striking the item relating to section 5116 and inserting
16 the following:

 “5116. Hazardous materials transportation emergency response and prepared-
 ness.”.

17 (e) CONFORMING AMENDMENTS.—

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

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

1 (2) Section 5123 of title 49, United States
2 Code, is amended by striking subsection (g) and in-
3 sserting the following:

4 “(g) TRANSFER OF AMOUNTS COLLECTED.—
5 Amounts collected under this section shall be transferred
6 to the Hazardous Materials Emergency Preparedness
7 Fund established under section 5116(h).”.

8 **SEC. 204. EMERGENCY RESPONSE ASSISTANCE.**

9 Section 5116 of title 49, United States Code, is
10 amended—

11 (1) by redesignating subsection (k) as sub-
12 section (l);

13 (2) by inserting after subsection (j) the fol-
14 lowing:

15 “(k) EMERGENCY RESPONSE ASSISTANCE.—

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

17 “(A) SIGNIFICANT HAZARDOUS MATERIALS
18 TRANSPORTATION INCIDENT.—The term ‘sig-
19 nificant hazardous materials transportation in-
20 cident’ means an incident that—

21 “(i) involves hazardous materials
22 being moved by a motor carrier or rail car-
23 rier;

24 “(ii) requires a response by at least 1
25 eligible entity described in paragraph (6)

1 for which the Secretary estimates the costs
2 to the eligible entity to be at least \$15,000;
3 and

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

6 “(B) SUBSTANTIAL PROPERTY DAMAGE.—
7 The term ‘substantial property damage’ means
8 damage to public or private property or the en-
9 vironment (including clean up costs) the Sec-
10 retary reasonably estimates to be more than
11 \$45,000.

12 “(2) ESTABLISHMENT OF PROGRAM.—Not later
13 than 1 year after the date of enactment of the Rail-
14 road Safety Enhancement Act of 2024, the Sec-
15 retary, in consultation with the Administrator of the
16 Federal Emergency Management Agency and the
17 Administrator of the Environmental Protection
18 Agency, after providing an opportunity for notice
19 and comment, shall establish an emergency response
20 assistance program to provide immediate financial
21 assistance to communities responding to a signifi-
22 cant hazardous materials transportation incident.

23 “(3) SIGNIFICANT HAZARDOUS MATERIALS
24 TRANSPORTATION INCIDENT.—

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

4 “(B) GUIDELINES.—The Secretary shall
5 establish and publish guidelines to determine
6 whether a significant hazardous materials
7 transportation incident has occurred.

8 “(4) RELEASE OF FUNDS.—

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

19 “(i) the Secretary declares the inci-
20 dent a significant hazardous materials
21 transportation incident; and

22 “(ii) at least 14 days but not later
23 than 21 days after the declaration of a sig-
24 nificant hazardous materials transportation
25 incident, the Secretary determines, in ac-

1 cordance with paragraph (8), that the re-
2 sponsible party does not have an accept-
3 able reimbursement plan.

4 “(B) ADDITIONAL FUNDS.—In addition to
5 any amounts made available under subpara-
6 graph (A), the Secretary shall make additional
7 funding available from the amount set aside
8 under subsection (h)(3) in the Fund if the Sec-
9 retary determines that the additional funding is
10 necessary.

11 “(C) AUTHORITY.—The Secretary may
12 make funds available under this subsection if
13 the Secretary determines the responsible party
14 is not complying with its acceptable plan under
15 paragraph (8).

16 “(5) ADMINISTRATION OF FUNDS.—The Sec-
17 retary may provide funds from the amount set aside
18 under subsection (h)(3) in the Fund to a State in
19 which a hazardous materials transportation incident
20 occurred for the State to use and administer reim-
21 bursements in accordance with this subsection, in-
22 cluding by providing funds to eligible entities de-
23 scribed in paragraph (6).

1 “(6) ELIGIBLE ENTITIES DESCRIBED.—The eli-
2 gible entities referred to in paragraphs (4)(A) and
3 (5) are—

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

5 “(B) political subdivisions of a State or
6 territory; and

7 “(C) public emergency response organiza-
8 tions.

9 “(7) USE OF FUNDS.—

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

12 “(i) for the cost of replacing personal
13 protective equipment that is damaged, con-
14 taminated, or otherwise rendered unusable
15 as a result of the response of the eligible
16 entity to a significant hazardous materials
17 transportation incident;

18 “(ii) for overtime pay of employees of
19 eligible entities that responded to the scene
20 of a significant hazardous materials trans-
21 portation incident;

22 “(iii) for operational costs exceeding
23 standard operating expenses that are di-
24 rectly related to the cost of responding to
25 the significant hazardous materials trans-

1 portation incident, such as the costs of
2 running a supplementary emergency re-
3 sponse center;

4 “(iv) for the cost of providing baseline
5 health care assessments to emergency re-
6 sponse personnel who responded to the sig-
7 nificant hazardous materials transportation
8 incident, but not more than \$1,000 per
9 person, which shall be adjusted annually
10 for inflation; and

11 “(v) to reimburse an eligible entity for
12 an eligible cost described in any of clauses
13 (i) through (iv) that is incurred within 30
14 days of the date of a significant hazardous
15 materials transportation incident.

16 “(B) DOCUMENTATION OF COSTS.—Not
17 later than 1 year after the date on which the
18 Secretary declares a significant hazardous ma-
19 terials transportation incident for which an eli-
20 gible entity receives assistance under this sub-
21 section, the eligible entity shall submit to the
22 Secretary documentation for each item for
23 which that assistance was used pursuant to the
24 eligible uses of funds described in subparagraph
25 (A).

1 “(C) MISUSE OF FUNDS.—If the Secretary
2 determines that an eligible entity has used as-
3 sistance received under this subsection in a
4 manner that violates subparagraph (A) or any
5 other provision of this subsection, the eligible
6 entity shall reimburse the Fund (if the assist-
7 ance was provided from the Fund) or the re-
8 sponsible party (if the assistance was provided
9 by the responsible party), for the amount of
10 that assistance.

11 “(8) ACCEPTABLE PLAN.—

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

20 “(B) ADVANCE SUBMISSION; CERTAIN
21 PLANS.—

22 “(i) ADVANCE SUBMISSION.—A plan
23 to provide reimbursement to eligible enti-
24 ties in accordance with subparagraph (A)
25 may be submitted to the Secretary for ap-

1 proval in advance of any significant haz-
2 ardous materials transportation incident to
3 which the plan might apply.

4 “(ii) CERTAIN PLAN.—A hazardous
5 materials emergency response plan ap-
6 proved by the Secretary in accordance with
7 section 20155(e) shall be considered an ac-
8 ceptable plan for purposes of this sub-
9 section.

10 “(9) REIMBURSEMENT BY RESPONSIBLE
11 PARTY.—

12 “(A) IN GENERAL.—Subject to subpara-
13 graph (F), the party responsible for a signifi-
14 cant hazardous materials transportation inci-
15 dent shall be liable to the Secretary for reim-
16 bursement of all amounts disbursed from the
17 Fund under this subsection for that significant
18 hazardous materials transportation incident.

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

22 “(C) NOTICE.—After the Secretary has re-
23 ceived the documented costs under paragraph
24 (7)(B), the Secretary shall provide notice to the

1 responsible party regarding the total amount
2 owed.

3 “(D) FINAL AGENCY ACTION.—Not later
4 than 30 days after the Secretary makes a deter-
5 mination of the amount for which the respon-
6 sible party is liable under subparagraph (A),
7 the responsible party may challenge that deter-
8 mination as a final agency action.

9 “(E) CIVIL ACTION.—

10 “(i) IN GENERAL.—The Attorney
11 General may bring a civil action in an ap-
12 propriate district court of the United
13 States to collect unpaid amounts under
14 this paragraph and any accrued interest on
15 those amounts.

16 “(ii) LIMITATION ON JUDICIAL RE-
17 VIEW.—In a civil action under clause (i),
18 the amount for which a responsible party
19 is liable, as determined by the Secretary,
20 unless challenged under subparagraph (D),
21 shall not be subject to judicial review.

22 “(F) DISCRETION.—If the responsible
23 party is a small business concern (within the
24 meaning of part 121 of title 13, Code of Fed-
25 eral Regulations (or successor regulations)) that

1 is unable to fully reimburse the Secretary, the
2 Secretary shall have discretion with respect to
3 the amount of funds the Secretary requests
4 from the responsible party under this para-
5 graph.

6 “(10) STREAMLINED APPLICATION PROCESS.—
7 The Secretary shall streamline the application pro-
8 cess for the receipt of funds under this subsection, in-
9 cluding by—

10 “(A) providing technical assistance to eligi-
11 ble entities; and

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

14 “(11) SAVINGS PROVISIONS.—

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

18 “(B) REIMBURSEMENT.—

19 “(i) IN GENERAL.—A responsible
20 party may, in accordance with any other
21 applicable law—

22 “(I) seek to establish that an-
23 other party was responsible, in whole
24 or in part (as such other law allows),
25 for the applicable significant haz-

1 ardous materials transportation inci-
2 dent; and

3 “(II) seek reimbursement (to the
4 extent such other law allows) from
5 that other party.

6 “(ii) EFFECT OF SUBSECTION.—
7 Nothing in this subsection limits, or may
8 be construed to limit, the ability of a re-
9 sponsible party to seek reimbursement
10 from any other party found to be respon-
11 sible in any civil action arising from the
12 applicable significant hazardous materials
13 transportation incident.

14 “(iii) EFFECT OF DETERMINATION.—
15 A determination by the Secretary that a
16 party is a responsible party for purposes of
17 this subsection shall not be considered or
18 otherwise have any effect with respect to
19 the determination of liability in any civil
20 action described in clause (ii).

21 “(iv) EFFECT OF REIMBURSEMENTS
22 AND OTHER ACTIVITIES.—No activity
23 taken under this subsection to reimburse
24 an eligible entity, reimburse the Secretary,
25 prepare or carry out a reimbursement

1 plan, or otherwise comply with or make a
2 payment under this subsection shall be
3 considered or otherwise have any effect
4 with respect to the determination of liabil-
5 ity in any civil action described in clause
6 (ii).

7 “(12) COMPTROLLER GENERAL REPORT.—

8 “(A) IN GENERAL.—Not later than Sep-
9 tember 30, 2027, the Comptroller General of
10 the United States shall submit to the Com-
11 mittee on Commerce, Science, and Transpor-
12 tation of the Senate and the Committee on
13 Transportation and Infrastructure of the House
14 of Representatives a report on the effectiveness
15 this subsection.

16 “(B) CONTENTS.—The report submitted
17 under subparagraph (A) shall include, at a min-
18 imum, information on—

19 “(i) the number of significant haz-
20 ardous materials transportation incidents
21 that received funding under this sub-
22 section;

23 “(ii) the amount of financial assist-
24 ance the Secretary provided to eligible enti-
25 ties;

1 “(iii) the amount of financial assist-
2 ance responsible parties submitted to the
3 Secretary under paragraph (9);

4 “(iv) the amount of reimbursement
5 the Secretary received from eligible entities
6 as required under paragraph (7)(C);

7 “(v) whether the amounts provided by
8 the Secretary under this subsection ade-
9 quately reflect the amounts actually spent
10 by the eligible entities;

11 “(vi) whether the Secretary was able
12 to provide the financial assistance quickly
13 enough to the eligible entities so that the
14 assistance effectively supported the pre-
15 paredness of the eligible entities to respond
16 to potential future incidents; and

17 “(vii) any other factors the Comp-
18 troller General of the United States con-
19 siders to be appropriate to review the effec-
20 tiveness of this subsection.”; and

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

22 “(m) DEFINITIONS.—In this section:

23 “(1) EMERGENCY RESPONSE PERSONNEL.—

24 The term ‘emergency response personnel’ means—

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

3 “(B) a person belonging to a public emer-
4 gency response organization.

5 “(2) PUBLIC EMERGENCY RESPONSE ORGANIZA-
6 TION.—

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

9 “(i) a fire department that has an all-
10 paid force of firefighting personnel other
11 than paid-on-call firefighters;

12 “(ii) a fire department that has—

13 “(I) paid firefighting personnel;
14 and

15 “(II) volunteer firefighting per-
16 sonnel;

17 “(iii) a nonaffiliated EMS organiza-
18 tion; and

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

21 “(B) ASSOCIATED DEFINITION.—For pur-
22 poses of subparagraph (A)(iii), the term ‘non-
23 affiliated EMS organization’ means a public or
24 private nonprofit emergency medical services or-
25 ganization that—

1 “(i) is not affiliated with a hospital;

2 and

3 “(ii) does not serve a geographic area

4 for which the Secretary or a State finds

5 that emergency medical services are ade-

6 quately provided by a fire department.”.

○