

## **HAZARDOUS MATERIALS RAIL TRANSPORTATION SAFETY ACT OF 2015**

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### **Sec. 1 Short Title**

Provides “Hazardous Materials Rail Transportation Safety Act of 2015” as the short title of the Act.

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

Creates a new Hazardous Liquids Rail Spill Liability Account (HLRSL) within the Oil Spill Liability Trust Fund (OSLTF), into which revenues from the new fee on hazardous flammable liquid transportation would be deposited. Funds in this new account would be available for cleanup of certain spills related to rail transportation; to reimburse the general fund for revenues foregone due to the Credit for Qualified Tank Car Conversion Expenses (CQTCC); and for appropriations provided in Section 401 of this Act. This provision requires the Secretary of Treasury to, from time to time, transfer amounts from the HLRSL Account to the general fund equal to the amount CQTCC credit claimed, and appropriations provided under this Act.

### **Sec. 102 Hazardous substances discharges**

Provides conforming amendments to the Federal Water Pollution Act as amended by the Oil Pollution Act of 1990, and the Comprehensive Environmental Response, Compensation, and Liability Act. The amendments ensure that funds held in the HLRSL account are available for response and remediation actions resulting from spills of oil, hazardous materials, and hazardous flammable liquids related to rail transportation.

### **Sec. 103 Fee on certain Hazardous Flammable Liquids transported by rail.**

Establishes a fee payable by the person commissioning the shipment on the placement of Hazardous Flammable Liquids into a DOT-111 tank car. DOT-111 tank cars carrying hazardous flammable liquid into the U.S. would also be subject to the fee. Beginning the first calendar quarter 60 days after enactment of this Act, a fee of \$175 per tank car is imposed on such placement or entry. The fee rate is set to double at the beginning of each subsequent calendar year, and level off at \$1,400 for placement or entry occurring December 31, 2018 and thereafter. A special rule provides that the fee shall be imposed only once with respect to any product, but excludes from the rule any product that has substantially changed form.

### **Sec. 104 Qualified tank car conversion expenses**

Establishes an income tax credit equal to 15 percent of qualified tank car conversion expenses incurred after forthcoming DOT tank car regulations take effect and before December 31, 2018. Qualified conversion expense means any expense incurred in converting a qualified CPC-1232 tank car into a tank car that complies with the forthcoming DOT railcar regulations. A qualified CPC-1232 tank car must have been placed in service or leased before enactment of this Act and operated within the United States at least 180 days within the preceding year (or a proportionate period as determined by the Secretary). The credit is subject to an aggregate \$10 million limit per taxpayer.

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

Provides definition for “flammable liquids and gases,” which include crude oil, ethanol, liquefied natural gas, and other flammable liquids and gases. Establishes new training standards in the Hazardous Materials Emergency Planning (HMEP) program for public sector employees in communities through which railroads operate trains transporting 20 tank cars or more of flammable liquids or gases. The federal government will provide \$45 million to carry out grants in sections 202 and 203. In addition the federal government will bear the full cost of all grants awarded under sections 202 and 203 of this act in fiscal years 2016, 2017, and 2018; for fiscal year 2019 and all years after, the Federal share will revert to 80 percent.

### **Sec. 202 High hazard rail shipments preparedness grants**

Creates planning grants within the HMEP program for communities and states through which railroads operate trains transporting 20 tank cars or more of flammable liquids or gases. These grants can be used to develop, improve and carry out emergency plans to respond to large-scale hazardous materials spills. For fiscal years 2016, 2017, and 2018, states are required to share 90 percent of grant funds with local planning emergency planning committees. From fiscal year 2019 onward, the sharing requirement reverts to 75 percent.

### **Sec. 203 High hazard rail shipments training grants**

Creates training grants within the HMEP program for communities through which railroads operate trains transporting 20 tank cars or more of flammable liquids or gases. These grants can be used to train firefighters and other public sector employees to respond to accident and incidents involving trains transporting 20 tank cars or more of flammable liquids or gases. Requires state and tribal grant recipients to certify that that training conducted with grant funds meets standards set by the government or firefighting associations. For fiscal years 2016, 2017, and 2018, states are required to share 90 percent of grant funds with local planning emergency planning committees. From fiscal year 2019 onward, the sharing requirement reverts to 75 percent.

### **Sec. 204 Track relocation and railroad inspection safety grants**

Establishes a \$100 million grant program for states and communities to reduce the effects and risks associated with the transporting flammable liquids or gases by railroad. The grants can be used to relocate railroad tracks, or to hire railroad inspectors. The federal share for grants awarded under this section may be up to 90 percent. Grants are available in fiscal years 2016 through 2019, with rollover authority provided.

### **Sec. 205 Implementing recommendations of the National Transportation Safety Board**

Requires the FRA and PHMSA to implement recommendations of the government’s safety watchdog, the National Transportation Safety Board (NTSB). The recommendations, when implemented, will provide more information to first responders about hazardous materials railroad shipments; require railroads to provide education programs for communities through which hazardous materials are shipped; and track inspection standards.

**Sec. 301 National preparedness survey**

Requires the Secretary of Transportation within 18 months to submit to Congress a study of the routes of hazardous materials trains, and the availability of equipment and firefighting materials appropriate for large-scale hazardous materials releases along those routes.

**Sec. 302 Hazardous materials rail car census**

Requires the Census Bureau, in coordination with the Secretary of Transportation, as part of its 2017, 2022, and 2027 Commodity Flow Survey, to determine the types of rail tank cars used to carry hazardous flammable liquids.

**Sec. 303 Energy train data collection**

Requires the Energy Information Administration, in coordination with the Surface Transportation Board, to conduct a quarterly survey to collect information regarding flammable energy products shipped by rail. These products include crude oil, ethanol, liquefied natural gas, and other petroleum products. The agencies must begin the survey within one year of the passage of this Act.

**Sec. 304 Train length study**

Requires the Secretary of Transportation within two years to submit to Congress a study that determines whether train length correlates with the severity and frequency of train derailments. Specifically, the study must analyze the risks of transporting large volumes of hazardous materials in unit trains; compile a list of all accidents involving unit trains of hazardous materials; and identify best practices to mitigate or reduce the frequency and severity of accidents involving unit trains.

**Sec. 401 Authorization of appropriations**

Authorizes appropriations from the subaccount established in Section 101 for purposes of section 104, 202, 203, 204, 301, 303, 304, and 305.