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

IN THE HOUSE OF REPRESENTATIVES

Mr. JOHNSON of Ohio introduced the following bill; which was referred to the Committee on __________________________

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the “Reducing Accidents in Locomotives Act” or the “RAIL Act”.

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Defined term.
Sec. 2. Defined Term.

In this Act, the term “Secretary” means the Secretary of Transportation.


(a) Rulemaking.—Not later than 1 year after the date on which the National Transportation Safety Board issues the report on the East Palestine, Ohio crash, the Secretary, in consultation with the Administrator of the Federal Railroad Administration, shall issue regulations, or modify existing regulations, based on such report establishing safety requirements, in accordance with subsection (b), with which a rail carrier operating a train transporting hazardous materials that is not subject to the requirements for a high-hazard flammable train under section 174.310 of title 49, Code of Federal Regulations, shall comply with respect to the operation of each such train and the maintenance of specification tank cars.

(b) Requirements.—The regulations issued pursuant to subsection (a) shall require rail carriers—

(1) to provide advance notification and information regarding the transportation of hazardous materials described in subsection (a) to each State emer-
gency response commissioner, the tribal emergency response commission, or any other State or tribal agency responsible for receiving the information notification for emergency response planning information;

(2) to include, in the notification provided pursuant to paragraph (1), a written gas discharge plan with respect to the applicable hazardous materials being transported; and

(3) to reduce or eliminate blocked crossings resulting from delays in train movements.

(c) ADDITIONAL REQUIREMENTS.—In developing the regulations required under subsection (a), the Secretary shall include requirements regarding—

(1) train length and weight;
(2) train consist;
(3) route analysis and selection;
(4) speed restrictions;
(5) track standards;
(6) track, bridge, and rail car maintenance;
(7) signaling and train control; and
(8) response plans.

SEC. 4. RAIL CAR INSPECTIONS.

(a) RULEMAKING.—
(1) **Inspection Requirements.**—Not later than 1 year after date of the enactment of this Act, the Secretary shall review and update, as necessary, applicable regulations under chapters I and II of subtitle B of title 49, Code of Federal Regulations—

   (A) to create minimum time requirements that a qualified mechanical inspector must spend when inspecting a rail car or locomotive; and

   (B) to ensure that all rail cars and locomotives in train consists that carry hazardous materials are inspected by a qualified mechanical inspector at intervals determined by the Secretary.

(2) **Abbreviated Pre-Departure Inspection.**—The Secretary shall immediately amend section 215.13(c) of title 49, Code of Federal Regulations (permitting an abbreviated pre-departure inspection procedure) with respect to rail cars in train consists carrying hazardous materials.

(b) **Audits.**—

   (1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary shall initiate audits of Federal rail car inspection programs, subject to the requirements under part
215 of title 49, Code of Federal Regulations, which—

(A) consider whether such programs are in compliance with such part 215; (B) assess the type and content of training and performance metrics that such programs provide rail car inspectors; (C) determine whether such programs provide inspectors with adequate time to inspect rail cars; (D) determine whether such programs reflect the current operating practices of the railroad carrier; and (E) ensure that such programs are not overly reliant on train crews.

(2) Audit Scheduling.—The Secretary shall—

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

(i) each Class I railroad is audited not less frequently than once every 5 years; and (ii) a select number, as determined by the Secretary, of Class II and Class III railroads are audited annually; and
(B) conduct the audits described in sub-
paragraph (A)(ii) in accordance with—

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

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

(3) UPDATES TO INSPECTION PROGRAM.—If,
during an audit required under this subsection, the
auditor identifies a deficiency in a railroad’s inspec-
tion program, the railroad shall update the program
to eliminate such deficiency.

(4) CONSULTATION AND COOPERATION.—
   
   (A) CONSULTATION.—In conducting any
audit required under this subsection, the Sec-
retary shall consult with the railroad being au-
dited and its employees, including any nonprofit
employee labor organization representing the
mechanical employees of the railroad.

   (B) COOPERATION.—The railroad being
audited and its employees, including any non-
profit employee labor organization representing
mechanical employees, shall fully cooperate with
any audit conducted pursuant to this sub-
section—
(i) by providing any relevant documents requested; and

(ii) by making available any employees for interview without undue delay or obstruction.

(C) FAILURE TO COOPERATE.—If the Secretary determines that a railroad or any of its employees, including any nonprofit employee labor organization representing mechanical employees of the railroad is not fully cooperating with an audit conducted pursuant to this subsection, the Secretary shall electronically notify the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives of such non-cooperation.

(e) REVIEW OF REGULATIONS.—The Secretary shall triennially determine whether any update to part 215 of title 49, Code of Federal Regulations, is necessary to ensure the safety of rail cars transported by rail carriers.

(d) ANNUAL REPORT.—The Secretary shall publish an annual report on the public website of the Federal Railroad Administration that—
(1) summarizes the findings of the prior year’s audits;

(2) summarizes any updates made pursuant to this section; and

(3) excludes any confidential business information or sensitive security information.

(e) Rule of Construction.—Nothing in this section may be construed—

(1) to limit the deployment of pilot programs for the installation, test, verification, and review of automated rail and train inspection technologies; or

(2) to direct the Secretary to waive any existing inspection requirements under chapter I or II of subtitle B of title 49, Code of Federal Regulations, as part of pilot programs.

SEC. 5. DEFECT DETECTORS.

(a) Rulemaking.—Not later than 1 year after the date of the enactment of this Act, the Secretary shall issue regulations establishing requirements for the installation, repair, testing, maintenance, and operation of wayside defect detectors for each rail carrier operating a train consist carrying hazardous materials.

(b) Requirements.—The regulations issued pursuant to subsection (a) shall include requirements regarding—
(1) the frequency of the placement of wayside
defect detectors, including a requirement that all
Class I railroads install a hotbox detector along
every 10-mile segment of rail track over which trains
carrying hazardous materials operate;

(2) performance standards for such detectors;

(3) the maintenance and repair requirements
for such detectors;

(4) reporting data and maintenance records of
such detectors;

(5) appropriate steps the rail carrier must take
when receiving an alert of a defect or failure from
or regarding a wayside defect detector; and

(6) the use of hotbox detectors to prevent
derailments from wheel bearing failures, including—

(A) the temperatures, to be specified by
the Secretary, at which an alert from a hotbox
detector is triggered to warn of a potential
wheel bearing failure; and

(B) any actions that shall be taken by a
rail carrier upon receiving an alert from a hot-
box detector of a potential wheel bearing fail-
ure.

(c) DEFECT AND FAILURE IDENTIFICATION.—The
Secretary shall specify the categories of defects and fail-
ures that wayside defect detectors covered by regulations issued pursuant to subsection (a) shall address, including—

(1) axles;
(2) wheel bearings;
(3) brakes;
(4) signals;
(5) wheel impacts; and
(6) other defects or failures specified by the Secretary.

(d) SAFETY PLACARDS.—

(1) IN GENERAL.—In issuing regulations under subsection (a), the Secretary shall require that placards covered under section 172.519 of title 49, Code of Federal Regulations, be able to withstand heat in excess of 180 degrees.

(2) UPDATE BASED ON RECOMMENDATIONS.—
The Secretary may, upon recommendation from the National Transportation Safety Board, issue such regulations as are necessary to increase the heat threshold described in paragraph (1).
SEC. 6. INCREASING MAXIMUM CIVIL PENALTIES FOR VIOLATIONS OF RAIL SAFETY REGULATIONS.

(a) CIVIL PENALTIES RELATED TO TRANSPORTING HAZARDOUS MATERIALS.—Section 5123(a) of title 49, United States Code, is amended—

(1) in paragraph (1), in the matter preceding subparagraph (A), by striking “$75,000” and inserting “the greater of 0.5 percent of the person’s annual income or annual operating income or $750,000”; and

(2) in paragraph (2), by striking “$175,000” and inserting “the greater of 1 percent of the person’s annual income or annual operating income or $1,750,000”.

(b) GENERAL VIOLATIONS OF CHAPTER 201.—Section 21301(a)(2) of title 49, United States Code, is amended—

(1) by striking “$25,000.” and inserting “the greater of 0.5 percent of the person’s annual income or annual operating income or $250,000”; and

(2) by striking “$100,000.” and inserting “the greater of 1 percent of the person’s annual income or annual operating income or $1,000,000”.

(e) ACCIDENT AND INCIDENT VIOLATIONS OF CHAPTER 201; VIOLATIONS OF CHAPTERS 203 THROUGH 209.—Section 21302(a) is amended—

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(1) in paragraph (1), by striking “203–209” each place it appears and inserting “203 through 209”; and

(2) in paragraph (2)—

    (A) by striking “$25,000” and inserting “the greater of 0.5 percent of the person’s annual income or annual operating income or $250,000”; and

    (B) by striking “$100,000” and inserting “the greater of 1 percent of the person’s annual income or annual operating income or $1,000,000”.

(d) Violations of Chapter 211.—Section 21303(a)(2) is amended—

    (1) by striking “$25,000.” and inserting “the greater of 0.5 percent of the person’s annual income or annual operating income or $250,000”; and

    (2) by striking “$100,000.” and inserting “the greater of 1 percent of the person’s annual income or annual operating income or $1,000,000”.

SEC. 7. SAFER TANK CARS.

(a) Phase-out Schedule.—Beginning on May 1, 2028, a rail carrier may not use DOT–111 specification railroad tank cars that do not comply with DOT–117, DOT–117P, or DOT–117R specification requirements, as
in effect on the date of enactment of this Act, to transport
Class 3 flammable liquids regardless of the composition
of the train consist.

(b) CONFORMING REGULATORY AMENDMENTS.—
(1) IN GENERAL.—The Secretary—
(A) shall immediately remove or revise the
date-specific deadlines in any applicable regula-
tions or orders to the extent necessary to con-
form with the requirement under subsection (a); and

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

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

SEC. 8. HAZARDOUS MATERIALS TRAINING FOR FIRST RE-
SPONDERS.

(a) ANNUAL REGISTRATION FEE.—Section 5108(g)
of title 49, United States Code, is amended by adding at
the end the following:

“(4) ADDITIONAL FEE FOR CLASS I RAIL CARRIERS.—In addition to the fees collected pursuant to
paragraphs (1) and (2), the Secretary shall establish
and annually impose and collect from each Class I rail carrier a fee in an amount equal to $1,000,000.”.

(b) ASSISTANCE FOR LOCAL EMERGENCY RESPONSE TRAINING.—Section 5116(j)(1)(A) of title 49, United States Code, is amended—

(1) by striking “liquids” and inserting “materials”; and

(2) in paragraph (3), by amending subparagraph (A) to read as follows:

“(A) IN GENERAL.—To carry out the grant program established pursuant to paragraph (1), the Secretary may expend, during each fiscal year—

“(i) the amounts collected pursuant to section 5108(g)(4); and

“(ii) any amounts recovered during such fiscal year from grants awarded under this section during a prior fiscal year.”.

(c) SUPPLEMENTAL TRAINING GRANTS.—Section 5128(b)(4) of title 49, United States Code is amended by striking “$2,000,000” and inserting “$4,000,000”.