

118TH CONGRESS
1ST SESSION

H. R. 1674

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2023

Mr. DELUZIO (for himself and Mr. LALOTA) 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 “Railway Safety Act of 2023”.

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

Sec. 1. Short title; table of contents.

Sec. 2. Defined term.

Sec. 3. Safety requirements for trains transporting hazardous materials.

Sec. 4. Rail car inspections.

Sec. 5. Defect detectors.

Sec. 6. Safe Freight Act of 2023.

Sec. 7. Increasing maximum civil penalties for violations of rail safety regulations.

Sec. 8. Safer tank cars.

Sec. 9. Hazardous materials training for first responders.

Sec. 10. Consolidated rail infrastructure and safety improvements.

Sec. 11. Tank car research and development.

1 **SEC. 2. DEFINED TERM.**

2 In this Act, the term “Secretary” means the Sec-
3 retary of Transportation.

4 **SEC. 3. SAFETY REQUIREMENTS FOR TRAINS TRANS-**
5 **PORTING HAZARDOUS MATERIALS.**

6 (a) RULEMAKING.—Not later than 1 year after the
7 date of the enactment of this Act, the Secretary shall issue
8 regulations, or modify existing regulations, establishing
9 safety requirements, in accordance with subsection (b),
10 with which a shipper or rail carrier operating a train
11 transporting hazardous materials that is not subject to the
12 requirements for a high-hazard flammable train under sec-
13 tion 174.310 of title 49, Code of Federal Regulations,
14 shall comply with respect to the operation of each such
15 train and the maintenance of specification tank cars.

16 (b) REQUIREMENTS.—The regulations issued pursu-
17 ant to subsection (a) shall require shippers and rail car-
18 riers—

19 (1) to provide advance notification and informa-
20 tion regarding the transportation of hazardous mate-
21 rials described in subsection (a) to each State emer-

1 agency response commissioner, Tribal emergency re-
2 sponse commission, or any other State or Tribal
3 agency responsible for receiving the information no-
4 tification for emergency response planning informa-
5 tion;

6 (2) to include, in the notification provided pur-
7 suant to paragraph (1), a written gas discharge plan
8 with respect to the applicable hazardous materials
9 being transported; and

10 (3) to reduce or eliminate blocked crossings re-
11 sulting from delays in train movements.

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

15 (1) train length and weight;

16 (2) train consist;

17 (3) route analysis and selection;

18 (4) speed restrictions;

19 (5) track standards;

20 (6) track, bridge, and rail car maintenance;

21 (7) signaling and train control;

22 (8) response plans; and

23 (9) any other requirements that the Secretary
24 determines are necessary.

1 (d) HIGH-HAZARD FLAMMABLE TRAINS.—The Sec-
2 retary may modify the safety requirements for trains sub-
3 ject to section 174.310 of title 49, Code of Federal Regu-
4 lations, to satisfy, in whole or in part, the rulemaking re-
5 quired under subsection (a).

6 **SEC. 4. RAIL CAR INSPECTIONS.**

7 (a) RULEMAKING.—

8 (1) INSPECTION REQUIREMENTS.—Not later
9 than 1 year after date of the enactment of this Act,
10 the Secretary shall review and update, as necessary,
11 applicable regulations under chapters I and II of
12 subtitle B of title 49, Code of Federal Regulations—

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

17 (B) to ensure that all rail cars and loco-
18 motives in train consists that carry hazardous
19 materials are inspected by a qualified mechan-
20 ical inspector at intervals determined by the
21 Secretary.

22 (2) ABBREVIATED PRE-DEPARTURE INSPEC-
23 TION.—The Secretary shall immediately amend sec-
24 tion 215.13(c) of title 49, Code of Federal Regula-
25 tions (permitting an abbreviated pre-departure in-

1 specification procedure) with respect to rail cars in train
2 consists carrying hazardous materials.

3 (b) AUDITS.—

4 (1) IN GENERAL.—Not later than 60 days after
5 the date of the enactment of this Act, the Secretary
6 shall initiate audits of Federal rail car inspection
7 programs, subject to the requirements under part
8 215 of title 49, Code of Federal Regulations,
9 which—

10 (A) consider whether such programs are in
11 compliance with such part 215;

12 (B) assess the type and content of training
13 and performance metrics that such programs
14 provide rail car inspectors;

15 (C) determine whether such programs pro-
16 vide inspectors with adequate time to inspect
17 rail cars;

18 (D) determine whether such programs re-
19 flect the current operating practices of the rail-
20 road carrier; and

21 (E) ensure that such programs are not
22 overly reliant on train crews.

23 (2) AUDIT SCHEDULING.—The Secretary
24 shall—

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

3 (i) each Class I railroad is audited not
4 less frequently than once every 5 years;
5 and

6 (ii) a select number, as determined by
7 the Secretary, of Class II and Class III
8 railroads are audited annually; and

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

11 (i) the Small Business Regulatory En-
12 forcement Fairness Act of 1996 (5 U.S.C.
13 601 note); and

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

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

21 (4) CONSULTATION AND COOPERATION.—

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

1 employee labor organization representing the
2 mechanical employees of the railroad.

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 (c) REVIEW OF REGULATIONS.—The Secretary shall
2 triennially determine whether any update to part 215 of
3 title 49, Code of Federal Regulations, is necessary to en-
4 sure the safety of rail cars transported by rail carriers.

5 (d) ANNUAL REPORT.—The Secretary shall publish
6 an annual report on the public website of the Federal Rail-
7 road Administration that—

8 (1) summarizes the findings of the prior year’s
9 audits;

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

12 (3) excludes any confidential business informa-
13 tion or sensitive security information.

14 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
15 tion may be construed—

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

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

23 **SEC. 5. DEFECT DETECTORS.**

24 (a) RULEMAKING.—Not later than 1 year after the
25 date of the enactment of this Act, the Secretary shall issue

1 regulations establishing requirements for the installation,
2 repair, testing, maintenance, and operation of wayside de-
3 fect detectors for each rail carrier operating a train consist-
4 ing of hazardous materials.

5 (b) REQUIREMENTS.—The regulations issued pursu-
6 ant to subsection (a) shall include requirements regard-
7 ing—

8 (1) the frequency of the placement of wayside
9 defect detectors, including a requirement that all
10 Class I railroads install a hotbox detector along
11 every 10-mile segment of rail track over which trains
12 carrying hazardous materials operate;

13 (2) performance standards for such detectors;

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

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

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

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

23 (A) the temperatures, to be specified by
24 the Secretary, at which an alert from a hotbox

1 detector is triggered to warn of a potential
2 wheel bearing failure; and

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

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

12 (1) axles;

13 (2) wheel bearings;

14 (3) brakes;

15 (4) signals;

16 (5) wheel impacts; and

17 (6) other defects or failures specified by the
18 Secretary.

19 **SEC. 6. SAFE FREIGHT ACT OF 2023.**

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

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

1 **“§ 20154. Freight train crew size safety standards**

2 “(a) MINIMUM CREW SIZE.—No freight train may be
3 operated without a 2-person crew consisting of at least 1
4 appropriately qualified and certified conductor and 1 ap-
5 propriately qualified and certified locomotive engineer.

6 “(b) EXCEPTIONS.—Except as provided in subsection
7 (c), the requirement under subsection (a) shall not apply
8 with respect to—

9 “(1) train operations on track that is not a
10 main line track;

11 “(2) a freight train operated—

12 “(A) by a railroad carrier that has fewer
13 than 400,000 total employee work hours annu-
14 ally and less than \$40,000,000 annual revenue
15 (adjusted for inflation, as calculated by the Sur-
16 face Transportation Board Railroad Inflation-
17 Adjusted Index and Deflator Factor Table);

18 “(B) at a speed of not more than 25 miles
19 per hour; and

20 “(C) on a track with an average track
21 grade of less than 2 percent for any segment of
22 track that is at least 2 continuous miles;

23 “(3) locomotives performing assistance to a
24 train that has incurred mechanical failure or lacks
25 the power to traverse difficult terrain, including

1 traveling to or from the location where assistance is
2 provided;

3 “(4) locomotives that—

4 “(A) are not attached to any equipment or
5 are attached only to a caboose; and

6 “(B) do not travel farther than 30 miles
7 from the point of origin of such locomotive; and

8 “(5) train operations staffed with fewer than a
9 2-person crew at least 1 year before the date of en-
10 actment of this section, if the Secretary determines
11 that such operations achieve an equivalent level of
12 safety as would result from compliance with the re-
13 quirement under subsection (a).

14 “(c) TRAINS INELIGIBLE FOR EXCEPTION.—The ex-
15 ceptions under subsection (b) may not be applied to—

16 “(1) a train transporting 1 or more loaded cars
17 carrying material toxic by inhalation (as defined in
18 section 171.8 of title 49, Code of Federal Regula-
19 tions);

20 “(2) a train transporting—

21 “(A) 20 or more loaded tank cars of a
22 Class 2 material or a Class 3 flammable liquid
23 in a continuous block; or

1 “(B) 35 or more loaded tank cars of a
2 Class 2 material or a Class 3 flammable liquid
3 throughout the train consist; or

4 “(3) a train with a total length of at least
5 7,500 feet.

6 “(d) WAIVER.—A railroad carrier may seek a waiver
7 of the requirements under this section in accordance with
8 section 20103(d).”.

9 (c) CLERICAL AMENDMENT.—The analysis for sub-
10 chapter II of chapter 201 of title 49, United States Code,
11 is amended by inserting after the item relating to section
12 20153 the following:

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

13 **SEC. 7. INCREASING MAXIMUM CIVIL PENALTIES FOR VIO-**
14 **LATIONS OF RAIL SAFETY REGULATIONS.**

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

18 (1) in paragraph (1), in the matter preceding
19 subparagraph (A), by striking “\$75,000” and insert-
20 ing “the greater of 0.5 percent of the person’s an-
21 nual income or annual operating income, as applica-
22 ble, or \$750,000”; and

23 (2) in paragraph (2), by striking “\$175,000”
24 and inserting “the greater of 1 percent of the per-

1 son's annual income or annual operating income, as
2 applicable, or \$1,750,000”.

3 (b) GENERAL VIOLATIONS OF CHAPTER 201.—Sec-
4 tion 21301(a)(2) of title 49, United States Code, is
5 amended—

6 (1) by striking “\$25,000” and inserting “the
7 greater of 0.5 percent of the person's annual income
8 or annual operating income, as applicable, or
9 \$250,000”; and

10 (2) by striking “\$100,000” and inserting “the
11 greater of 1 percent of the person's annual income
12 or annual operating income, as applicable, or
13 \$1,000,000”.

14 (c) ACCIDENT AND INCIDENT VIOLATIONS OF CHAP-
15 TER 201; VIOLATIONS OF CHAPTERS 203 THROUGH
16 209.—Section 21302(a) of title 49, United States Code,
17 is amended—

18 (1) in paragraph (1), by striking “203–209”
19 each place it appears and inserting “203 through
20 209”; and

21 (2) in paragraph (2)—

22 (A) by striking “\$25,000” and inserting
23 “the greater of 0.5 percent of the person's an-
24 nual income or annual operating income, as ap-
25 plicable, or \$250,000”; and

1 (B) by striking “\$100,000” and inserting
2 “the greater of 1 percent of the person’s annual
3 income or annual operating income, as applica-
4 ble, or \$1,000,000”.

5 (d) VIOLATIONS OF CHAPTER 211.—Section
6 21303(a)(2) of title 49, United States Code, is amended—

7 (1) by striking “\$25,000” and inserting “the
8 greater of 0.5 percent of the person’s annual income
9 or annual operating income, as applicable, or
10 \$250,000”; and

11 (2) by striking “\$100,000” and inserting “the
12 greater of 1 percent of the person’s annual income
13 or annual operating income, as applicable, or
14 \$1,000,000”.

15 **SEC. 8. SAFER TANK CARS.**

16 (a) PHASE-OUT SCHEDULE.—Notwithstanding sec-
17 tion 7304 of the FAST Act (49 U.S.C. 20155 note), be-
18 ginning on May 1, 2025, a rail carrier may not use DOT-
19 111 specification railroad tank cars that do not comply
20 with DOT-117, DOT-117P, or DOT-117R specification
21 requirements, as in effect on the date of enactment of this
22 Act, to transport Class 3 flammable liquids regardless of
23 the composition of the train consist.

24 (b) CONFORMING REGULATORY AMENDMENTS.—

25 (1) IN GENERAL.—The Secretary—

1 (A) shall immediately remove or revise the
2 date-specific deadlines in any applicable regula-
3 tions or orders to the extent necessary to con-
4 form with the requirement under subsection (a);
5 and

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

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

13 **SEC. 9. HAZARDOUS MATERIALS TRAINING FOR FIRST RE-**
14 **SPONDERS.**

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

18 “(4) ADDITIONAL FEE FOR CLASS I RAIL CAR-
19 RIERS.—In addition to the fees collected pursuant to
20 paragraphs (1) and (2), the Secretary shall establish
21 and annually impose and collect from each Class I
22 rail carrier a fee in an amount equal to
23 \$1,000,000.”.

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

4 (1) in paragraph (1)(A), by striking “liquids”
5 and inserting “materials”; and

6 (2) in paragraph (3), by amending subpara-
7 graph (A) to read as follows:

8 “(A) IN GENERAL.—To carry out the
9 grant program established pursuant to para-
10 graph (1),the Secretary may expend, during
11 each fiscal year—

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

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

18 (c) SUPPLEMENTAL TRAINING GRANTS.—Section
19 5128(b)(4) of title 49, United States Code is amended by
20 striking “\$2,000,000” and inserting “\$4,000,000”.

21 **SEC. 10. CONSOLIDATED RAIL INFRASTRUCTURE AND**
22 **SAFETY IMPROVEMENTS.**

23 (a) IN GENERAL.—Section 22907(c) of title 49,
24 United States Code, is amended by adding at the end the
25 following:

1 “(17) The research, development, or implemen-
2 tation of wayside defect detectors to better prevent
3 the derailment of trains transporting hazardous ma-
4 terials.”.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out section
7 22907(c)(17) of title 49, United States Code (as added
8 by subsection (a)), \$22,000,000.

9 **SEC. 11. TANK CAR RESEARCH AND DEVELOPMENT.**

10 (a) IN GENERAL.—The Administrator of the Pipeline
11 and Hazardous Materials Safety Administration shall
12 carry out research to develop stronger, safer tank cars and
13 valves for tank cars and other tank car safety features.

14 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section
16 \$5,000,000.

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