

119TH CONGRESS
2D SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

Mr. HUSTED (for himself, Ms. CANTWELL, Mr. MARSHALL, Mr. SCHMITT, Ms. BALDWIN, Ms. KLOBUCHAR, Mr. MORENO, and Mr. FETTERMAN) introduced the following bill; which was read twice and referred to the Committee on _____

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 2026”.

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.

2

- 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 2026.
- 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.

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 provided, terms used in this title have the definitions
 5 given such terms in section 20155 of title 49, United
 6 States Code, as amended by section 102(a).

8 (2) **CLASS I RAILROAD.**—The term “Class I
 9 railroad” has the meaning given such term in sec-
 10 tion 20102(1) of title 49, United States Code.

11 (3) **SECRETARY.**—The term “Secretary” means
 12 the Secretary of Transportation.

1 **SEC. 102. SAFETY REQUIREMENTS FOR HIGH-HAZARD**
2 **TRAINS.**

3 (a) TANK CAR SAFETY REQUIREMENTS.—Section
4 20155 of title 49, United States Code, is amended to read
5 as follows:

6 **“§ 20155. High-hazard trains**

7 “(a) DEFINITIONS.—In this section:

8 “(1) EXPLOSIVES.—The term ‘explosives’
9 means Class 1 explosives categorized in Division 1.1,
10 1.2, or 1.3 in section 173.50(b) of title 49, Code of
11 Federal Regulations.

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

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

19 “(4) HAZARDOUS MATERIAL.—The term ‘haz-
20 ardous material’ means a substance or material des-
21 ignated by the Secretary of Transportation as haz-
22 ardous pursuant to section 5103(a) of this title.

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

1 “(A) 20 or more tank cars loaded with a
2 flammable liquid;

3 “(B) 1 or more tank cars or intermodal
4 portable tanks loaded with a material toxic or
5 poisonous by inhalation;

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

8 “(D) 10 or more cars loaded with explo-
9 sives;

10 “(E) 5 or more tank cars loaded with a
11 flammable gas; or

12 “(F) 20 or more cars loaded with any com-
13 bination of flammable liquids, flammable gases,
14 or explosives.

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

21 “(7) MATERIAL TOXIC OR POISONOUS BY INHA-
22 LATION.—The term ‘material toxic or poisonous by
23 inhalation’ has the meaning given the term ‘Material
24 poisonous by inhalation or Material toxic by inhala-

1 tion’ in section 171.8 of title 49, Code of Federal
2 Regulations.

3 “(b) RULEMAKING.—Not later than 1 year after the
4 date of the enactment of the Railway Safety Act of 2026,
5 the Secretary, in consultation with appropriate Federal
6 agencies, shall issue regulations that—

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

12 “(2) revise the requirements set forth in section
13 174.310(a)(2) of title 49, Code of Federal Regula-
14 tions—

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

17 “(B) to limit high-hazard trains carrying
18 20 or more cars loaded with flammable liquids
19 to a maximum speed of 40 miles per hour while
20 that train travels within the limits of high-
21 threat urban areas (HTUAs) (as defined in
22 1580.3 of title 49, Code of Federal Regulations,
23 unless all tank cars containing a Class 3 flam-
24 mable liquid meet or exceed the DOT specifica-
25 tion 117 standards, the DOT specification

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

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

12 “(4) require any Class I railroad transporting
13 hazardous materials—

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

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

18 “(ii) the point of origin and destina-
19 tion of the train;

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

23 “(iv) an emergency response point of
24 contact designated by the Class I railroad;
25 and

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

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

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

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

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

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

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

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

8 “(i) has knowledge of the railroads’
9 transportation of hazardous materials; and

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

16 “(6) require each applicable State emergency
17 response commission to provide to a political subdivi-
18 sion of a State, or the public agency responsible for
19 emergency response or law enforcement, upon re-
20 quest of the political subdivision or public agency,
21 the information the commission receives from a
22 Class I railroad pursuant to paragraph (5), includ-
23 ing, for any such political subdivision or public agen-
24 cy responsible for emergency response or law en-
25 forcement that makes an initial request for such in-

1 formation, any updates received by the State emer-
2 gency response commission;

3 “(7) prohibit any Class I railroad, employee, or
4 agent from withholding, or causing to be withheld,
5 the train consist information from first responders,
6 emergency response officials, Federal and State
7 agencies, and law enforcement personnel who are re-
8 sponding to an incident, accident, or public health or
9 safety emergency involving the rail transportation of
10 hazardous materials; and

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

21 “(c) RULE OF CONSTRUCTION.—Nothing in this sec-
22 tion may be construed to prohibit a Class I railroad from
23 voluntarily entering into a memorandum of understanding
24 with a State emergency response commission or an entity

1 representing or including first responders, emergency re-
2 sponse officials, and law enforcement personnel.

3 “(d) SAFETY IMPROVEMENTS.—Not later than 1
4 year after the date of the enactment of the Railway Safety
5 Act of 2026, the Secretary shall evaluate and update, to
6 the extent necessary for safety and in compliance with Ex-
7 ecutive Order 12866 (5 U.S.C. 601 note; relating to regu-
8 latory planning and review), the operational requirements
9 for high-hazard trains to ensure the safe transportation
10 of hazardous materials by rail, including—

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

15 “(2) requirements for an adequate number of
16 buffer cars between a locomotive or railcar and tank
17 cars transporting hazardous materials.

18 “(e) HAZARDOUS MATERIALS EMERGENCY RE-
19 SPONSE PLANS.—

20 “(1) PLAN CONTENTS.—The Secretary shall
21 promulgate regulations, in compliance with Execu-
22 tive Order 12866, requiring all Class I railroads that
23 operate high-hazard trains to submit to the Sec-
24 retary hazardous materials emergency response
25 plans that are consistent with the format of the Na-

1 tional Response Team ‘One Plan’. Such plans shall
2 include—

3 “(A) consideration of potential hazardous
4 materials release for material toxic or poisonous
5 by inhalation that the railroad is transporting;

6 “(B) identification of the railroad’s haz-
7 ardous materials response teams that can
8 quickly respond to a release or potential release
9 within a reasonable amount of time;

10 “(C) identification of the equipment and
11 resources available to the hazardous materials
12 response teams;

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

15 “(E) plans to facilitate hazardous mate-
16 rials release liability claims.

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

20 “(3) TRIENNIAL REVIEW.—Not later than 1
21 year after a Class I railroad submits a hazardous
22 materials emergency response plan pursuant to
23 paragraph (1), and on a triennial basis thereafter,
24 the Secretary shall review such plan. If the Sec-
25 retary identifies deficiencies during such review, the

1 Secretary shall describe the nature of any defi-
2 ciencies and allow for correction.

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

6 (b) CLERICAL AMENDMENT.—The analysis in chap-
7 ter 201 of title 49, United States Code, is amended by
8 striking the item relating to section 20155 and inserting
9 the following:

“20155. High-hazard trains.”.

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

11 (a) REVIEWING AND UPDATING SAFETY REGULA-
12 TIONS.—Not later than one year after the date of the en-
13 actment of this Act, the Secretary shall—

14 (1) evaluate any safety concerns identified in
15 the Comptroller General’s report titled “Freight
16 Trains Are Getting Longer, and Additional Informa-
17 tion Is Needed to Assess Their Impact” (GAO-19-
18 443) and in the report required under section
19 22422(d) of the Passenger Rail Expansion and Rail
20 Safety Act of 2021 (title II of division B of Public
21 Law 117–58); and

22 (2) if the Secretary considers it necessary for
23 safety and compliance with Executive Order 12866
24 (5 U.S.C. 601 note; relating to regulatory planning
25 and review), address such concerns by updating ex-

1 isting safety regulations to ensure the safe transpor-
2 tation of goods and passengers by rail, taking into
3 account the impact that train length and weight
4 have on the safe transportation of high-hazard
5 trains.

6 (b) REPORT.—Not later than 3 years after the date
7 of the enactment of this Act, if the Secretary has not up-
8 dated any regulation under subsection (a), the Secretary
9 shall submit to 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 a report that justifies such inaction.

13 (c) REPORTING REQUIREMENT.—

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

19 (2) PUBLICATION.—The Administrator of the
20 Federal Railroad Administration shall publish on its
21 Rail Safety Data website a summary of all report-
22 able incidents and accidents, categorized by train
23 length and weight.

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

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

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

10 (A) Federal Railroad Administration data;

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

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

16 (D) geographic diversity; and

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

21 (b) MEMBERS.—In establishing the membership to
22 conduct the study described in subsection (a)(1), the
23 President of the National Academy of Sciences shall ap-
24 point not fewer than 3 members of the National Academy
25 who—

26 (1) are engineering or rail experts;

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

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

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

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

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

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

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

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

19 (5) examine causes for blocked crossings; and

20 (6) identify practical solutions to prevent
21 blocked crossings.

22 (d) REPORT.—Not later than 2 years after the date
23 of the enactment of this Act, the Secretary shall submit
24 a report to the Committee on Commerce, Science, and
25 Transportation of the Senate and the Committee on

1 Transportation and Infrastructure of the House of Rep-
2 resentatives that contains the results of the study con-
3 ducted by the National Academy of Sciences pursuant to
4 this section.

5 (e) FUNDING.—From the amounts appropriated for
6 fiscal year 2024 to carry out section 20108 of title 49,
7 United States Code, that remain unobligated, the Sec-
8 retary shall expend such sums as may be necessary, but
9 not more than \$2,000,000, to carry out the study required
10 under this section.

11 (f) RAILROAD CROSSING ELIMINATION PROGRAM.—
12 Section 22909 of title 49, United States Code, is amend-
13 ed—

14 (1) in subsection (f)(2)(C)—

15 (A) in clause (i), by striking “; or” and in-
16 serting a semicolon;

17 (B) in clause (ii), by striking the semicolon
18 and inserting “; or”; and

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

20 “(iii) a bus route to a school or within
21 1 mile of a school;”; and

22 (2) in subsection (g)—

23 (A) by striking “Except” and inserting the
24 following:

25 “(1) IN GENERAL.—Except”; and

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

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

6 (g) RAILROAD POINT OF CONTACT FOR BLOCKED
7 CROSSINGS.—

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

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

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

1 (4) WAIVER.—The Secretary may waive the re-
2 quirement that the telephone service be toll-free for
3 Class II and Class III rail carriers if the Secretary
4 determines that toll-free service would be cost pro-
5 hibitive or unnecessary.

6 **SEC. 105. INSPECTIONS.**

7 (a) TIME AVAILABLE FOR INSPECTION.—

8 (1) IN GENERAL.—Subchapter II of chapter
9 201 of title 49, United States Code, is amended by
10 adding at the end the following:

11 **“§ 20172. Time available for inspection**

12 “(a) IN GENERAL.—No railroad may limit the time
13 required for an employee to complete a railcar, locomotive,
14 or brake inspection to ensure that each railcar, locomotive,
15 and brake system complies with safety laws and regula-
16 tions.

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

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

 “20172. Time available for inspection.”.

24 (b) PRE-DEPARTURE RAILCAR INSPECTIONS.—Not
25 later than 120 days after the date of the enactment of

1 this Act, the Secretary shall amend the pre-departure in-
2 spection requirements for Class I railroads under part 215
3 of title 49, Code of Federal Regulations (as written on
4 such date of enactment)—

5 (1) to ensure that after initial consultation with
6 the Federal Railroad Administration, and after each
7 subsequent annual consultation, each railroad identi-
8 fies inspection locations and, at such locations, has
9 inspectors designated under section 215.11 available
10 for the purpose of inspecting freight cars;

11 (2) to ensure that all freight cars are inspected
12 by an inspector designated under section 215.11 at
13 a designated inspection location in the direction of
14 travel as soon as practicable; and

15 (3) to require each railroad that operates rail-
16 road freight cars to which such part 215 applies to
17 designate persons qualified to inspect railroad
18 freight rail cars, subject to any existing collective
19 bargaining agreement, for compliance and deter-
20 minations required under such part.

21 (c) PERIODIC RAILCAR INSPECTIONS.—

22 (1) FREIGHT CAR PERIODIC INSPECTIONS.—
23 Not later than 1 year after the date of the enact-
24 ment of this Act, the Secretary shall issue regula-
25 tions amending part 215 of title 49, Code of Federal

1 Regulations to create minimum requirements for the
2 periodic inspection of freight cars.

3 (2) REQUIREMENTS.—The regulations issued
4 pursuant to paragraph (1) shall—

5 (A) consider the periodic inspection re-
6 quirements applicable to locomotives under part
7 229 of title 49, Code of Federal Regulations,
8 and to passenger cars under part 238 of such
9 title;

10 (B) establish inspection intervals and cri-
11 teria, taking into account differences in the uti-
12 lization and service to which freight cars are
13 put and other factors as appropriate, including
14 ownership of the cars, provided that—

15 (i) initial inspections shall be per-
16 formed within a reasonable period, as de-
17 termined by the Secretary, which period
18 shall not be shorter than 6 years after the
19 issuance of regulations pursuant to para-
20 graph (1);

21 (ii) after the initial inspections re-
22 quired under clause (i), periodic inspec-
23 tions shall be required not more frequently
24 than once every 5 years; and

1 (iii) if a freight car is not at a suit-
2 able location for safely performing a peri-
3 odic inspection on the date such inspection
4 is required under this subsection, or if the
5 freight car is not on a Class I railroad, the
6 freight car may be moved to the next for-
7 ward location suitable for safely per-
8 forming the inspection on a Class I rail-
9 road;

10 (C) provide that periodic inspections may
11 be performed in conjunction with any other in-
12 spections or tests required under chapter I or
13 II of subtitle B of title 49, Code of Federal
14 Regulations;

15 (D) ensure that periodic inspections are
16 performed only where adequate facilities are
17 available for safely inspecting all components of
18 freight cars; and

19 (E) require that Class I railroads use in-
20 spectors designated under section 215 of title
21 49, Code of Federal Regulations, to perform
22 periodic inspections pursuant to this subsection
23 and that their primary responsibility is the in-
24 spection, testing, maintenance, or repair of
25 freight cars or their components.

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

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

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

16 (e) AUDITS.—

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

23 (A) consider whether the railroad has in
24 place procedures necessary for railcar, loco-

1 motive, and train brake system inspection com-
2 pliance under such chapter;

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

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

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

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

21 (F) determine whether managers coerce
22 employees to sign off on any documents
23 verifying an inspection or repair of a railcar, lo-
24 comotive, or train brake system;

24

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

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

8 (2) AUDIT SCHEDULING.—The Secretary
9 may—

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

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

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

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

22 (II) no other Class II or III rail-
23 road may be audited more frequently
24 than once every 5 years; and

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

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

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

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

17 (4) CONSULTATION AND COOPERATION.—

18 (A) CONSULTATION.—In conducting any
19 audit required under this subsection, the Sec-
20 retary shall consult with the railroad being au-
21 dited and its employees, including any nonprofit
22 employee labor organization representing the
23 employees of the railroad that conduct railcar,
24 locomotive, or train brake system inspections.

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

7 (i) by providing any relevant docu-
8 ments requested; and

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

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

24 (f) REVIEW OF REGULATIONS.—Not later than 5
25 years after the date of the enactment of this Act, and peri-

1 odically thereafter, the Secretary shall determine whether
2 any update to chapters I and II of subtitle B of title 49,
3 Code of Federal Regulations, is necessary to ensure the
4 adequacy of railcar, locomotive, and train brake system
5 inspections.

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

9 (1) summarizes the findings of the audits con-
10 ducted pursuant to subsection (e) during the most
11 recently concluded fiscal year;

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

15 (3) excludes any confidential business informa-
16 tion or sensitive security information.

17 (h) RULE OF CONSTRUCTION.—Nothing in this sec-
18 tion may be construed—

19 (1) to provide the Secretary with any authority
20 to interpret, revise, alter, or apply a collectively bar-
21 gained agreement, nor any authority over collective
22 bargaining, collectively bargained agreements, or any
23 aspect of the Railway Labor Act (45 U.S.C. 151 et
24 seq.);

1 (2) to alter the terms or interpretations of ex-
2 isting collective bargaining agreements; or
3 (3) to abridge any procedural rights or rem-
4 edies provided under a collectively bargained agree-
5 ment.

6 **SEC. 106. EMERGENCY BRAKE SIGNALS.**

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

13 (b) PURPOSE.—The Railroad Safety Advisory Com-
14 mittee shall consider—

15 (1) the sufficiency of the regulations under part
16 232 of title 49, Code of Federal Regulations, with
17 regard to end-of-train and head-of-train device com-
18 munications;

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

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

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

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

8 (1) develop initial recommendations with re-
9 spect to the matters considered under subsection (b);
10 and

11 (2) complete a work plan for implementing such
12 recommendations.

13 **SEC. 107. DEFECT DETECTION SYSTEMS.**

14 (a) IN GENERAL.—Subchapter II of chapter 201 of
15 title 49, United States Code, as amended by section
16 105(a)(1), is further amended by adding at the end the
17 following:

18 **“§ 20173. Defect detection systems**

19 “(a) DEFINITIONS.—In this section:

20 “(1) DEFECT DETECTION SYSTEM.—The term
21 ‘defect detection system’ means the use of defect de-
22 tectors, the analysis of the data defect detectors
23 produce, and any other aspects a system that help
24 railroads identifying and understand the severity of
25 known safety conditions.

1 “(2) DEFECT DETECTOR.—The term ‘defect
2 detector’ means any device or equipment situated
3 within the rail system that can detect and commu-
4 nicate a potential or known safety condition.

5 “(3) HIGH-HAZARD TRAIN.—The term ‘high-
6 hazard train’ has the meaning given such term in
7 section 20155(a)(5).

8 “(4) MAIN LINE.—The term ‘main line’
9 means—

10 “(A) a segment or route of railroad
11 tracks—

12 “(i) over which 5,000,000 or more
13 gross tons of railroad traffic is transported
14 annually; and

15 “(ii) that has a maximum authorized
16 speed for freight trains in excess of 25
17 miles per hour; and

18 “(B) intercity rail passenger transportation
19 or commuter rail passenger transportation
20 routes or segments over which high-hazard
21 trains operate.

22 “(5) PHYSICAL CHARACTERISTICS.—The term
23 ‘physical characteristics’ means the physical terrain
24 and operating considerations related to the physical
25 terrain for the relevant main line.

1 “(b) DEFECT DETECTOR ANALYSIS PROGRAM.—The
2 Secretary shall develop a program for the research, devel-
3 opment, testing, and evaluation of defect detector systems
4 to inform and support the rulemaking required under sub-
5 section (d) and the evaluation of plans under subsection
6 (c), which shall include—

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

15 “(A) maintenance;

16 “(B) testing;

17 “(C) inspection; and

18 “(D) installation;

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

24 “(3) an evaluation of existing processes and
25 procedures for decision making and communication

1 of appropriate safety actions necessary to address
2 unsafe equipment or operations, including—

3 “(A) stoppage of rail equipment;

4 “(B) setting out rail equipment;

5 “(C) train speed reduction;

6 “(D) diverting a train; and

7 “(E) inspection requirements;

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

12 “(5) research to understand new or developing
13 technologies.

14 “(c) PLAN ELEMENTS.—

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

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

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

22 “(i) how the network will reduce the
23 risk of incidents near population centers
24 and on high-hazard train routes; and

1 “(ii) a description of how the network
2 will be implemented by the deadline set
3 forth in subsection (d)(1)(B); and

4 “(B) a description of how the railroad’s de-
5 fect detection system meets or exceeds the de-
6 fect detection performance standards estab-
7 lished pursuant to subsection (d)(1)(D);

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

12 “(i) for main lines traveling within an
13 urbanized area with a population of at
14 least 75,000, at a distance that provides
15 for any train operating along the railroad’s
16 route to undergo detection not less than 10
17 miles before entering such an area;

18 “(ii) for main lines not equipped with
19 acoustic bearing detectors or other similar
20 technology, at a distance averaging 15
21 route miles to the extent possible based on
22 the physical characteristics of the route;
23 and

24 “(iii) for main lines equipped with
25 acoustic bearing detectors or other similar

1 technology, at a distance averaging 20
2 route miles to the extent possible based on
3 the physical characteristics of the route
4 along which such detectors are being in-
5 stalled;

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

9 “(E) the manufacturer’s expected perform-
10 ance for each type of defect detector and how
11 the carrier will assess compliance with such per-
12 formance;

13 “(F) procedures for promptly providing
14 pertinent safety alerts to train employees, in-
15 cluding locomotive engineers and conductors,
16 train dispatchers, and relevant maintenance em-
17 ployees;

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

21 “(H) policies and procedures for training
22 employees regarding relevant elements of the
23 defect detector system, including—

24 “(i) persons whose duties include in-
25 stalling, maintaining, repairing, modifying,

1 inspecting, reviewing data, and testing
2 safety-critical elements of the railroad’s de-
3 fect detector, including central office, way-
4 side, or onboard subsystems;

5 “(ii) persons who receive and review
6 defect detector alerts; and

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

9 “(I) policies for maintaining records re-
10 garding the required elements of the rail defect
11 detector network for not less than 5 years,
12 which shall not include data on individual
13 alerts; and

14 “(J) designs for the collection and analysis
15 of applicable alerts, thresholds, and cor-
16 responding safety actions.

17 “(3) ALTERNATIVE HOT BEARING DETECTION
18 PLAN.—

19 “(A) SUBMISSION.—A rail carrier may
20 comply with an alternative hot bearing detec-
21 tion plan instead of the requirements described
22 in paragraph (2)(C) if—

23 “(i) the rail carrier submits such plan
24 to the Secretary and the Secretary ap-
25 proves the plan; and

1 “(ii) the plan provides an equivalent
2 or higher level of safety as the require-
3 ments described in paragraph (2)(C).

4 “(B) TRIENNIAL REVIEWS.—Not less fre-
5 quently than triennially, the Secretary shall re-
6 view each alternative plan approved pursuant to
7 subparagraph (A) to determine its continuing
8 effectiveness at detecting bearing-related de-
9 fects.

10 “(d) RULEMAKING.—

11 “(1) IN GENERAL.—Not later than 1 year after
12 the date of the enactment of the Railway Safety Act
13 of 2026, the Secretary shall initiate a rulemaking,
14 and not later than 2 years after such date of enact-
15 ment, the Secretary shall issue a final rule, in com-
16 pliance with Executive Order 12866 (5 U.S.C. 601
17 note; relating to regulatory planning and review),
18 that—

19 “(A) requires Class I railroads to submit,
20 not later than 1 year after the issuance of such
21 final rule, defect detector network plans that in-
22 clude the elements described in subsection
23 (c)(2);

24 “(B) requires the Class I railroads to im-
25 plement the plan required under subparagraph

1 (A) not later than 3 years after the issuance of
2 such final rule;

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

5 “(D) establishes performance standards
6 measured by the ability of a defect detection
7 system to identify defects before a condition
8 that is likely to result in an accident or inci-
9 dent, including how such ability will be meas-
10 ured and reported for data related to require-
11 ments;

12 “(E) requires the reporting of data regard-
13 ing the defect detector network effectiveness, in-
14 cluding defect detector failures;

15 “(F) creates requirements for Class I rail-
16 roads to test, inspect, and maintain any defect
17 detector based on the evaluation completed pur-
18 suant to subsection (b)(1); and

19 “(G) establish appropriate thresholds for
20 alerts and corresponding safety actions, to the
21 extent necessary.

22 “(2) UPDATED STANDARDS.—The performance
23 standards established pursuant to paragraph (1)(D)
24 shall be updated not less frequently than once every
25 5 years.

1 “(e) UPDATES AND APPROVALS.—

2 “(1) UPDATES.—Each entity subject to the
3 mandate in subsection (a) shall update the plans re-
4 quired under subsection (d)(1)(A)—

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

7 “(B) to address changes made to the per-
8 formance standards pursuant to subsection
9 (d)(2).

10 “(2) APPROVALS.—To ensure safety, the Sec-
11 retary shall promptly review each plan submitted
12 pursuant to subsection (d)(1)(A), against the per-
13 formance standards established pursuant to sub-
14 section (d)(1)(D), and approve or reject each such
15 plan.

16 “(3) REVIEWS FOR COMPLIANCE.—Not less fre-
17 quently than biannually, the Secretary shall conduct
18 reviews to ensure that Class I railroads are com-
19 plying with the plans required under paragraph (1).

20 “(4) PUBLIC AVAILABILITY.—Not later than 60
21 days after receipt, the Secretary shall make available
22 to the public on the website of the Department of
23 Transportation any plan or update submitted pursu-
24 ant to this section, but the Secretary shall redact—

1 “(A) proprietary information, as verified
2 by the Secretary; and

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

7 “(f) ENFORCEMENT.—The Secretary may assess a
8 civil penalty under chapter 213 of this title for a violation
9 of a rule promulgated pursuant to subsection (d) for—

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

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

16 “(g) PRESERVATION OF AUTHORITY.—Nothing in
17 this section may be construed to restrict the authority of
18 the Secretary.”.

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

 “20173. Defect detection systems.”.

23 (c) TEMPORARY DEFECT DETECTION ASSIST-
24 ANCE.—

1 (1) FORMULA GRANT PROGRAM.—The Adminis-
2 trator of the Federal Railroad Administration shall
3 establish a formula grant program to assist com-
4 muter railroads with installing defect detection tech-
5 nology.

6 (2) ELIGIBLE ENTITIES.—A commuter railroad
7 that has a contract with a Class I railroad, as of
8 May 1, 2026, that requires the commuter railroad to
9 install defect detection technology that complies with
10 the approved plan submitted pursuant to section
11 20173 of title 49, United States Code, as added by
12 subsection (a), is eligible to receive a grant under
13 this subsection.

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

18 (4) REQUIREMENTS.—Any eligible entity that
19 receives grant funding under this subsection shall
20 comply with the grant conditions set forth in section
21 22909(j) of title 49, United States Code.

22 (5) AUTHORIZATION OF APPROPRIATIONS.—
23 There is authorized to be appropriated to the Fed-
24 eral Railroad Administration such amounts as may

1 be necessary to carry out the formula grant program
2 under this subsection.

3 **SEC. 108. SAFE FREIGHT ACT OF 2026.**

4 (a) SHORT TITLE.—This section may be cited as the
5 “Safe Freight Act of 2026”.

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

9 **“§ 20154. Freight train crew size safety standards**

10 “(a) MINIMUM CREW SIZE.—Except as provided in
11 subsections (b) and (c), a freight train operated by a Class
12 I railroad may not be operated without a 2-person crew
13 consisting of at least 1 appropriately qualified and cer-
14 tified conductor and 1 appropriately qualified and certified
15 locomotive engineer.

16 “(b) EXCEPTIONS.—

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

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

22 “(B) locomotives performing assistance to
23 a train that has incurred mechanical failure or
24 lacks the power to traverse difficult terrain, in-

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

3 “(C) locomotives that—

4 “(i) are not attached to any equip-
5 ment or are attached only to a caboose;
6 and

7 “(ii) do not travel farther than 50
8 miles from the point of origin of such loco-
9 motive; and

10 “(D) train operations staffed with fewer
11 than a 2-person crew at least 1 year before the
12 date of the enactment of the Safe Freight Act
13 of 2026, unless the Secretary determines that
14 such operations do not achieve an equivalent
15 level of safety as would result from compliance
16 with the requirement under subsection (a).

17 “(2) TRAINS INELIGIBLE FOR EXCEPTION.—

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

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

22 “(B) a train consist with a total length of
23 not less than 7,500 feet.

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

4 “(d) PRESERVATION OF AUTHORITY.—Nothing in
5 this section may be construed to restrict the authority of
6 the Secretary.”.

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

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

11 **SEC. 109. INCREASED PENALTIES FOR VIOLATIONS OF RAIL**
12 **SAFETY REGULATIONS.**

13 (a) RAILROAD SAFETY VIOLATIONS.—Section
14 21301(a) of title 49, United States Code, is amended—

15 (1) by striking paragraphs (1) and (2) and in-
16 serting the following:

17 “(1) A person may not fail to comply with a require-
18 ment of, a regulation prescribed under, or an order issued
19 by the Secretary under chapters 201 through 211. Subject
20 to section 21304, a person violating a requirement of, a
21 regulation prescribed under, or an order issued by the Sec-
22 retary under chapters 201 through 211 is liable to the
23 United States Government for a civil penalty. An act by
24 an individual that causes a railroad carrier to be in viola-

1 tion constitutes a violation of this paragraph. A separate
2 violation occurs for each day such violation continues.

3 “(2) The Secretary shall include in, or make applica-
4 ble to, each requirement of, regulation prescribed under,
5 and order issued under chapters 201 through 211 a civil
6 penalty for a violation of such requirement, regulation, or
7 order in an amount equal to—

8 “(A) not less than \$5,000 and not more than
9 \$1,000,000; or

10 “(B) if the person committing such violation is
11 a small business concern (as such term is used in
12 part 121 of title 13, Code of Federal Regulations (or
13 a successor regulation)), including a Class III rail-
14 road, not less than \$1,000 and not more than
15 \$200,000.”;

16 (2) by redesignating paragraphs (3) and (4) as
17 paragraphs (5) and (6), respectively;

18 (3) by inserting after paragraph (2) the fol-
19 lowing:

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

1 “(A) a maximum of \$5,000,000; or

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

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

11 (4) in paragraph (6), as redesignated by para-
12 graph (2), by adding at the end “Such civil action
13 may be brought in the judicial district in which the
14 violation occurred or in which the defendant has its
15 principal executive office. If the civil action is
16 against an individual, the action may also be
17 brought in the judicial district in which such indi-
18 vidual resides.”

19 (b) HOURS OF SERVICE VIOLATIONS.—Section
20 21301 of title 49, United States Code, is amended by add-
21 ing at the end the following:

22 “(d) ADDITIONAL PROVISIONS RELATED TO VIOLA-
23 TIONS OF CHAPTER 211.—(1) In any proceeding involving
24 a violation of chapter 211, or a violation of a regulation
25 or order issued pursuant to such chapter, a railroad car-

1 rier is deemed to have knowledge of the acts of its officers
2 and agents.

3 “(2) A civil action involving a violation of chapter
4 211, or a violation of a regulation or order issued pursuant
5 to such chapter, shall be brought in an appropriate district
6 court of the United States not later than—

7 “(A) 2 years after the date of such violation; or

8 “(B) if the person committing the violation re-
9 ceived notice under section 3711 of title 31 prior to
10 the date described in subparagraph (A), the last day
11 of the 5-year period specified in section 2462 of title
12 28.

13 “(3) A separate violation of section 21106 occurs for
14 each day employee sleeping quarters are not in compliance
15 with the requirements under such section.

16 “(4) Notwithstanding any other provision of law, in-
17 cluding the Federal Civil Penalties Inflation Adjustment
18 Act of 1990 (28 U.S.C. 2461 note), the inflation adjust-
19 ment—

20 “(A) for minimum penalty amounts amended by this
21 section, and any discretionary inflation adjustment of
22 guideline penalty amounts by the Secretary, shall be
23 rounded to the nearest multiple of \$100; and

1 “(B) for maximum penalty amounts amended by this
2 section, shall be rounded to the nearest multiple of
3 \$1,000.”.

4 (c) REPEAL.—

5 (1) IN GENERAL.—Chapter 213 of title 49,
6 United States Code, is amended by striking sections
7 21302 and 21303.

8 (2) CLERICAL AMENDMENT.—The analysis for
9 chapter 213 of title 49, United States Code, is
10 amended by striking the items relating to sections
11 21302 and 21303.

12 **SEC. 110. SAFER TANK CARS.**

13 (a) CLASS 3 FLAMMABLE LIQUIDS PHASE-OUT
14 SCHEDULE.—Beginning on December 31, 2027, no rail-
15 road tank car, regardless of its construction date, may be
16 used to transport Class 3 flammable liquids in packing
17 groups II and III (other than Class 3 flammable liquids
18 listed in paragraphs (1) and (2) of section 7304(b) of the
19 Hazardous Materials Transportation Safety Improvement
20 Act of 2015 (49 U.S.C. 20155 note)), regardless of the
21 composition of the train consist, unless such tank car
22 meets or exceeds the DOT–117, DOT–117P, or DOT–
23 117R specifications (as in effect on the date of the enact-
24 ment of this Act), including DOT–105A, DOT–105H,

1 DOT-105J, DOT-105S, DOT-112H, DOT-112S, DOT-
2 112J, DOT-120J, and DOT-120S tank cars.

3 (b) CONFORMING REGULATORY AMENDMENTS.—

4 (1) IN GENERAL.—The Secretary—

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

10 (B) may not enforce any date-specific
11 deadline or requirement that is inconsistent
12 with the requirement under subsection (a).

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

17 (c) AMENDING THE PHASE-OUT DATE.—If the Sec-
18 retary, based on the data contained in the report issued
19 pursuant to subsection (d), determines that the phase-out
20 date under subsection (a) cannot be met due to insuffi-
21 cient manufacturing capacity or would otherwise result in
22 significant impacts to interstate commerce, the Secretary
23 shall delay the phase-out scheduled under subsection (a)
24 to December 31, 2028.

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

8 (1) identifies the manufacturing capacity of
9 tank car manufacturers in North America, that
10 manufacture tank cars to meet DOT–117 and
11 DOT–117P specification requirements;

12 (2) identifies the retrofit capacity of tank car
13 manufacturers and other entities in North America
14 that can retrofit DOT–111 tank cars to meet DOT–
15 117R specification requirements;

16 (3) estimates the schedule of replacing tank
17 cars currently in service that are reaching the end
18 of their life cycle;

19 (4) identifies the number of tank cars that need
20 to be phased out or retrofitted under subsection (a)
21 and the number that could be retrofitted; and

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

1 **SEC. 111. RAIL SAFETY INFRASTRUCTURE RESEARCH AND**
2 **DEVELOPMENT GRANTS.**

3 (a) RESEARCH REQUIREMENT.—The Administrator
4 of the Federal Railroad Administration shall award grants
5 to eligible recipients described in section 22907(b) of title
6 49, United States, in accordance with the restrictions and
7 limitation on eligibility described in such section, for re-
8 search and development of defect detectors and the pre-
9 vention of derailments of trains transporting hazardous
10 materials.

11 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to the Federal Railroad Ad-
13 ministration \$25,000,000, which shall be used for the
14 grants authorized under subsection (a) and shall remain
15 available until expended.

16 **SEC. 112. AUTHORIZATION OF APPROPRIATIONS FOR TANK**
17 **CAR RESEARCH AND DEVELOPMENT.**

18 There is authorized to be appropriated to the Admin-
19 istrator of the Pipeline and Hazardous Materials Safety
20 Administration, \$5,000,000, which shall be used for ex-
21 penses relating to the development of—

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

24 (2) other tank car safety features.

1 **SEC. 113. FEDERAL RAILROAD ADMINISTRATION SAFETY**
2 **CULTURE.**

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

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

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

17 (b) CONSIDERATIONS.—As a part of the review con-
18 ducted pursuant to subsection (a)(1), the Inspector Gen-
19 eral shall consider the impacts of the Federal Railroad
20 Administration’s—

21 (1) reorganization of its safety offices and man-
22 agement structure;

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

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

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

13 **SEC. 114. GAO REPORT ON ROADWAY WORKER PROTEC-**
14 **TIONS.**

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

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

24 (2) submit to the Committee on Commerce,
25 Science, and Transportation of the Senate and the

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

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

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

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

21 (A) the primary function and features;

22 (B) the maturity, implementation readi-
23 ness, and user experience;

24 (C) the frequency of implementation;

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

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

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

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

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

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

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

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

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

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

8 (A) the number of safety inspector and
9 specialist vacancies at the time of the review;

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

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

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

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

24 (4) whether the system used for the notifica-
25 tion, processing, or storing of civil penalty enforce-

1 ment cases and other compliance actions rec-
2 ommended by safety inspectors and specialists
3 against railroads, shippers of hazardous materials,
4 and other respondents effectively supports the Fed-
5 eral Railroad Administration's compliance inspection
6 and enforcement program;

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

14 (6) recommendations for any reforms that
15 could—

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

21 (B) improve Federal Railroad Administra-
22 tion workforce management processes; or

23 (C) increase the capacity for inspection ac-
24 tivities, if such capacity is identified as defi-
25 cient, at the Federal Railroad Administration,

1 including activities relating to the transpor-
2 tation of hazardous materials.

3 **SEC. 116. OFFICE OF PERSONNEL MANAGEMENT REVIEW**
4 **OF SAFETY INSPECTOR AND SPECIALIST**
5 **CLASSIFICATIONS.**

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

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

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

17 (A) current critical Federal Railroad Ad-
18 ministration disciplines; and

19 (B) technological advancements and oper-
20 ational conditions within the railroad industry.

21 (b) REPORT.—Not later than 30 days after com-
22 pleting the review required under subsection (a), if the Di-
23 rector determines that a revision of the Railroad Safety
24 Series is not appropriate, the Director shall submit a re-
25 port to the Committee on Homeland Security and Govern-

1 mental Affairs of the Senate, the Committee on Com-
2 merce, Science, and Transportation of the Senate, the
3 Committee on Oversight and Accountability of the House
4 of Representatives, and the Committee on Transportation
5 and Infrastructure of the House of Representatives that—

6 (1) explains the findings of the review required
7 under subsection (a); and

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

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

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

18 **TITLE II—HAZARDOUS MATE-**
19 **RIALS EMERGENCY RE-**
20 **SPONSE AND PREPAREDNESS**

21 **SEC. 201. HAZARDOUS MATERIALS REGISTRATION FEES.**

22 Section 5108(g) of title 49, United States Code, is
23 amended—

24 (1) in paragraph (1), by striking “(1) The Sec-
25 retary” and inserting the following:

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

2 (2) by striking paragraph (2) and inserting the
3 following:

4 “(2)(A) In addition to a fee established under
5 paragraph (1), the Secretary shall establish and im-
6 pose by regulation and collect an annual fee.

7 “(B) Subject to subparagraph (C), the fee established
8 under subparagraph (A) shall be—

9 “(i) not less than \$250 but not more than \$500 from
10 each person that—

11 “(I) is required to file a registration statement
12 under this section; and

13 “(II) is identified as a small business (within
14 the meaning of part 121 of title 13, Code of Federal
15 Regulations (or successor regulations)); and

16 “(ii) not less than \$500 but not more than \$5,000
17 from each person that—

18 “(I) is required to file a registration statement
19 under this section; and

20 “(II) is not identified as a small business (with-
21 in the meaning of part 121 of title 13, Code of Fed-
22 eral Regulations (or successor regulations)).

23 “(C) The Secretary shall adjust the amount being col-
24 lected under this paragraph to reflect any unexpended bal-
25 ance in the account established under section 5116(h) of

1 this title. However, the Secretary is not required to refund
2 any fee collected under this paragraph.

3 “(D) The Secretary shall transfer to the Secretary
4 of the Treasury amounts the Secretary of Transportation
5 collects under this paragraph for deposit in the Hazardous
6 Materials Emergency Preparedness Fund established
7 under section 5116(h) of this title.”.

8 **SEC. 202. VIRTUAL TRAINING OPTIONS.**

9 Section 5115(b)(1) of title 49, United States Code,
10 is amended—

11 (1) in subparagraph (B), by striking “and”
12 after the semicolon at the end; and

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

14 “(D) recommendations for the development
15 of courses described in subparagraph (B) that
16 have been adapted for virtual learning and any
17 courses for which the Secretary has rec-
18 ommended adaptation to provide virtual op-
19 tions, subject to the condition that the Sec-
20 retary ensures that the virtual options rec-
21 ommended will provide an equivalent level of
22 training as in-person courses; and”.

1 **SEC. 203. HAZARDOUS MATERIALS TRANSPORTATION**
2 **EMERGENCY RESPONSE AND PREPAREDNESS**
3 **GRANTS.**

4 (a) IN GENERAL.—Section 5116 of title 49, United
5 States Code, is amended—

6 (1) by striking the section designation and
7 heading and inserting the following:

8 **“§ 5116. Hazardous materials transportation emer-**
9 **gency response and preparedness”;**

10 (2) in subsection (a)—

11 (A) in paragraph (1)—

12 (i) in subparagraph (B), by striking “;
13 and” and inserting a semicolon;

14 (ii) in subparagraph (C)—

15 (I) by striking “public sector em-
16 ployees” and inserting “emergency re-
17 sponse personnel”; and

18 (II) by striking the period at the
19 end and inserting a semicolon; and

20 (iii) by adding at the end the fol-
21 lowing:

22 “(D) until September 31, 2031, to purchase
23 personal protective equipment, as determined by the
24 Secretary, needed to respond to a hazardous mate-
25 rials emergency response incident, consistent with
26 paragraph (7) and subject to the condition that not

1 more than 50 percent of the funds made available
2 under this subsection may be used for that purpose;

3 “(E) to conduct and organize simulated and
4 field exercises relating to hazardous materials trans-
5 portation incidents; and

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

9 (B) in paragraph (5)(A)—

10 (i) in clause (i), by striking “public
11 sector employees being trained” and insert-
12 ing “emergency response personnel being
13 trained virtually or in person”;

14 (ii) in clause (ii), by striking “employ-
15 ees” and inserting “personnel”;

16 (iii) in clause (iii)—

17 (I) by striking “employees” and
18 inserting “personnel”; and

19 (II) by striking “; and” and in-
20 serting a semicolon; and

21 (iv) by adding at the end the fol-
22 lowing:

23 “(v) the costs of personnel needed to re-
24 place any personnel being trained; and

1 “(vi) lost wages for any volunteer being
2 trained, up to a reasonable amount determined
3 by the Secretary;”;

4 (C) in paragraph (6)—

5 (i) by striking subparagraph (A) and
6 inserting the following:

7 “(A) whether grant funds will be used to sup-
8 port the ability of the United States Government to
9 respond to hazardous materials incidents near infra-
10 structure commonly used to transport hazardous
11 materials;”; and

12 (ii) in subparagraph (B), by striking
13 “amounts” and inserting “number of ship-
14 ments”;

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

17 (E) by inserting after paragraph (4) the
18 following:

19 “(5)(A) Subject to subparagraph (C), any State re-
20 ceiving a grant under this subsection shall, not later than
21 180 days after receiving the grant funds, make available
22 to eligible local entities—

23 “(i) not less than 70 percent of the grant
24 funds; or

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

4 “(B) A State shall certify to the Secretary that the
5 State has made the distribution to eligible local entities
6 required under paragraph (1) by providing such informa-
7 tion as the Secretary shall require.

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

11 “(ii) The Secretary may approve a request under
12 clause (i) if the Secretary determines that the delay in
13 providing grant funding to eligible local entities pursuant
14 to the extension is necessary to promote effective invest-
15 ments to prepare for or respond to hazardous materials
16 transportation incidents.

17 “(D) Subparagraph (A) shall not apply to Tribes, the
18 District of Columbia, the Commonwealth of Puerto Rico,
19 American Samoa, the Commonwealth of the Northern
20 Mariana Islands, Guam, or the Virgin Islands.

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

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

5 “(G) For purposes of this paragraph, term ‘eligible
6 local entity’ means any of the following:

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

8 “(ii) A public emergency response organization.”;

9 (F) by inserting after paragraph (6) (as so
10 redesignated) the following:

11 “(7) A recipient of funds provided under this sub-
12 section may use the funds to purchase personal protective
13 equipment only if the recipient agrees to properly maintain
14 and store that personal protective equipment.”; and

15 (G) by inserting after paragraph (8) (as so
16 redesignated) the following:

17 “(9)(A) Each hazardous materials transportation
18 emergency response preparedness gap analysis developed
19 pursuant to paragraph (1)(F) shall include—

20 “(i) an identification of gaps and limitations of
21 the hazard response program of the applicable juris-
22 diction, including—

23 “(I) knowledge and personal protective
24 equipment gaps; and

1 “(II) gaps in training, including Incident
2 Command Management training and ASTM
3 Standard E3241 training; and

4 “(ii) a strategic plan to address the gaps and
5 limitations identified under clause (i).

6 “(B) In developing a hazardous materials transpor-
7 tation emergency response preparedness gap analysis pur-
8 suant to paragraph (1)(F), the entity preparing the anal-
9 ysis shall—

10 “(i) coordinate with Regional Response Teams (as
11 described in section 300.115 of title 40, Code of Federal
12 Regulations (or a successor regulation));

13 “(ii) include States, Tribes, hazardous materials
14 emergency response programs, local governments, and
15 emergency response personnel (including fire service orga-
16 nizations) in that development, as appropriate; and

17 “(iii) provide an opportunity for States, Tribes, haz-
18 ardous materials emergency response programs, local gov-
19 ernments, and emergency response personnel (including
20 fire service organizations) to review and comment on the
21 analysis before the analysis is published.”;

22 (3) in subsection (d)—

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

25 “(2) CERTAIN AMOUNTS.—Amounts”;

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

5 “(1) IN GENERAL.—A grant under this section
6 is for 90 percent of the costs incurred by a State,
7 or 100 percent of the costs incurred by a Tribe,”;
8 and

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

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

15 (4) by amending subsection (h) to read as fol-
16 lows:

17 “(h) ANNUAL REGISTRATION FEE ACCOUNT AND ITS
18 USES.—

19 “(1) IN GENERAL.—The Secretary of the
20 Treasury shall establish an account in the Treasury
21 (to be known as the ‘Hazardous Materials Emer-
22 gency Preparedness Fund’) into which the Secretary
23 of the Treasury shall deposit amounts the Secretary
24 of Transportation transfers to the Secretary of the
25 Treasury under section 5108(g)(2)(D).

1 “(2) USES.—Without further appropriation,
2 amounts in the account are available—

3 “(A) to make grants under this section
4 and section 5107(e);

5 “(B) to monitor and provide technical as-
6 sistance under subsection (e);

7 “(C) to publish and distribute an emer-
8 gency response guide; and

9 “(D) to pay administrative costs of car-
10 rying out this section and sections 5107(e) and
11 5108(g)(2), except that not more than 4 per-
12 cent of the amounts made available from the
13 account in a fiscal year may be used to pay
14 those costs.

15 “(3) SET ASIDE.—

16 “(A) IN GENERAL.—The amounts collected
17 under section 5123 shall be—

18 “(i) set aside for the purpose of car-
19 rying out subsection (k); and

20 “(ii) available, without further appro-
21 priation, for that purpose.

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

24 “(i) shall apply until the earliest date
25 on which the total amount set aside and

1 available for expenditure under that sub-
2 paragraph equals or exceeds \$50,000,000;
3 and

4 “(ii) after that date, shall apply to
5 each subsequent period—

6 “(I) beginning on a date on
7 which the total amount set aside and
8 available for expenditure under that
9 subparagraph is less than
10 \$20,000,000; and

11 “(II) ending on the earliest sub-
12 sequent date on which the total
13 amount set aside and available for ex-
14 penditure under that subparagraph
15 equals or exceeds \$50,000,000.”;

16 (5) by striking subsection (k) and inserting the
17 following:

18 “(k) REPORTS.—The Secretary shall submit to the
19 Committee on Transportation and Infrastructure of the
20 House of Representatives and the Committee on Com-
21 merce, Science, and Transportation of the Senate and
22 make available to the public an annual report that—

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

25 “(A) this section; and

1 “(B) subsections (e) and (i) of section
2 5107;

3 “(2) identifies the ultimate recipients of those
4 grants;

5 “(3) identifies the amount of funding available
6 for each grant;

7 “(4) describes any unobligated balances, total
8 annual drawdown by each grantee, and recovered
9 balances;

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

12 “(6) includes—

13 “(A) a detailed accounting and description
14 of each grant expenditure by each grant recipi-
15 ent, including the amount of, and purpose for,
16 each expenditure;

17 “(B) the number of persons trained under
18 the grant program, by training level;

19 “(C) a description of any personal protec-
20 tive equipment purchased using grant funds;

21 “(D) an evaluation of the efficacy of each
22 grant program; and

23 “(E) any recommendations the Secretary
24 may have for improving such grant programs.”;
25 and

1 (6) by striking “tribes” each place it appears
2 and inserting “Tribes”.

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

7 (c) AUTHORIZATION OF APPROPRIATIONS.—Section
8 5128(b) of title 49, United States Code, is amended—

9 (1) in the matter preceding paragraph (1), by
10 striking “Hazardous Materials Preparedness Fund”
11 and inserting “Hazardous Materials Emergency Pre-
12 paredness Fund”;

13 (2) in paragraph (3), by striking “section
14 5116(h)(3); and” and inserting “section
15 5116(h)(2)(C);”; and

16 (3) by striking paragraph (4) and inserting the
17 following:

18 “(4) \$4,000,000 to carry out section 5116(i);

19 and

20 “(5) \$1,000,000 to carry out section 5116(j).”.

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

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

1 (e) CONFORMING AMENDMENTS.—

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

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

9 (2) Section 5116(j)(3)(B) of title 49, United
10 States Code, is amended—

11 (A) in clause (iii), by striking “subsection
12 (h)(3)” and inserting “subsection (h)(2)(C)”;
13 and

14 (B) in clause (iv), by striking “subsection
15 (h)(4)” and inserting “subsection (h)(2)(D)”.

16 (3) Section 5123 of title 49, United States
17 Code, is amended by striking subsection (g) and in-
18 serting the following:

19 “(g) TRANSFER OF AMOUNTS COLLECTED.—
20 Amounts collected under this section shall be transferred
21 to the Hazardous Materials Emergency Preparedness
22 Fund established under section 5116(h).”.

23 **SEC. 204. EMERGENCY RESPONSE ASSISTANCE.**

24 Section 5116 of title 49, United States Code, is
25 amended—

1 (1) by redesignating subsection (k), as amended
2 in section 203, as subsection (l);

3 (2) by inserting after subsection (j) the fol-
4 lowing:

5 “(k) EMERGENCY RESPONSE ASSISTANCE.—

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

7 “(A) ELIGIBLE ENTITY.—The term ‘eligi-
8 ble entity’ means a—

9 “(i) State, territory, or Tribe;

10 “(ii) political subdivision of a State or
11 territory; or

12 “(iii) public emergency response orga-
13 nizations.

14 “(B) SIGNIFICANT HAZARDOUS MATERIALS
15 TRANSPORTATION INCIDENT.—The term ‘sig-
16 nificant hazardous materials transportation in-
17 cident’ means an incident that—

18 “(i) involves hazardous materials
19 being moved by a motor carrier or rail car-
20 rier;

21 “(ii) requires a response by not fewer
22 than 1 eligible entity for which the Sec-
23 retary estimates the costs to the eligible
24 entity to be not less than \$15,000; and

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

3 “(C) SUBSTANTIAL PROPERTY DAMAGE.—

4 The term ‘substantial property damage’ means
5 damage to public or private property or the en-
6 vironment (including clean up costs) the Sec-
7 retary reasonably estimates to be more than
8 \$45,000.

9 “(2) ESTABLISHMENT OF PROGRAM.—Not later
10 than 1 year after the date of enactment of the Rail-
11 way Safety Act of 2026, the Secretary, in consulta-
12 tion with the Administrator of the Federal Emer-
13 gency Management Agency and the Administrator of
14 the Environmental Protection Agency, after pro-
15 viding an opportunity for notice and comment, shall
16 establish an emergency response assistance program
17 to provide immediate financial assistance to commu-
18 nities responding to a significant hazardous mate-
19 rials transportation incident.

20 “(3) SIGNIFICANT HAZARDOUS MATERIALS
21 TRANSPORTATION INCIDENT.—

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

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

5 “(4) RELEASE OF FUNDS.—

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

15 “(i) the Secretary declares the inci-
16 dent a significant hazardous materials
17 transportation incident; and

18 “(ii) at least 14 days but not later
19 than 21 days after the declaration of a sig-
20 nificant hazardous materials transportation
21 incident, the Secretary determines, in ac-
22 cordance with paragraph (7), that the re-
23 sponsible party does not have an accept-
24 able reimbursement plan.

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

8 “(C) AUTHORITY.—The Secretary may
9 make funds available under this subsection if
10 the Secretary determines the responsible party
11 is not complying with its acceptable plan under
12 paragraph (7).

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

20 “(6) USE OF FUNDS.—

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

23 “(i) for the cost of replacing personal
24 protective equipment that is damaged, con-
25 taminated, or otherwise rendered unusable

1 as a result of the response of the eligible
2 entity to a significant hazardous materials
3 transportation incident;

4 “(ii) for overtime pay of employees of
5 eligible entities that responded to the scene
6 of a significant hazardous materials trans-
7 portation incident;

8 “(iii) for operational costs exceeding
9 standard operating expenses that are di-
10 rectly related to the cost of responding to
11 the significant hazardous materials trans-
12 portation incident, such as the costs of
13 running a supplementary emergency re-
14 sponse center;

15 “(iv) for the cost of providing baseline
16 health care assessments to emergency re-
17 sponse personnel who responded to the sig-
18 nificant hazardous materials transportation
19 incident, but not more than \$1,000 per
20 person, which shall be adjusted annually
21 for inflation; and

22 “(v) to reimburse an eligible entity for
23 an eligible cost described in any of clauses
24 (i) through (iv) that is incurred within 30

1 days of the date of a significant hazardous
2 materials transportation incident.

3 “(B) DOCUMENTATION OF COSTS.—Not
4 later than 1 year after the date on which the
5 Secretary declares a significant hazardous ma-
6 terials transportation incident for which an eli-
7 gible entity receives assistance under this sub-
8 section, the eligible entity shall submit to the
9 Secretary documentation for each item for
10 which that assistance was used pursuant to the
11 eligible uses of funds described in subparagraph
12 (A).

13 “(C) MISUSE OF FUNDS.—If the Secretary
14 determines that an eligible entity has used as-
15 sistance received under this subsection in a
16 manner that violates subparagraph (A) or any
17 other provision of this subsection, the eligible
18 entity shall reimburse the Fund (if the assist-
19 ance was provided from the Fund) or the re-
20 sponsible party (if the assistance was provided
21 by the responsible party), for the amount of
22 that assistance.

23 “(7) ACCEPTABLE PLAN.—

24 “(A) IN GENERAL.—For purposes of para-
25 graph (4)(A)(ii), the Secretary shall consider a

1 reimbursement plan of a responsible party to be
2 acceptable if the plan seeks to review and proc-
3 ess claims made by eligible entities for the costs
4 described in paragraph (6) not later than 90
5 days after the date of the significant hazardous
6 materials transportation incident.

7 “(B) ADVANCE SUBMISSION; CERTAIN
8 PLANS.—

9 “(i) ADVANCE SUBMISSION.—A plan
10 to provide reimbursement to eligible enti-
11 ties in accordance with subparagraph (A)
12 may be submitted to the Secretary for ap-
13 proval in advance of any significant haz-
14 ardous materials transportation incident to
15 which the plan might apply.

16 “(ii) CERTAIN PLAN.—A hazardous
17 materials emergency response plan ap-
18 proved by the Secretary in accordance with
19 section 20155(e) shall be considered an ac-
20 ceptable plan for purposes of this sub-
21 section.

22 “(8) REIMBURSEMENT BY RESPONSIBLE
23 PARTY.—

24 “(A) IN GENERAL.—Subject to subpara-
25 graph (F), the party responsible for a signifi-

1 cant hazardous materials transportation inci-
2 dent shall be liable to the Secretary for reim-
3 bursement of all amounts disbursed from the
4 Fund under this subsection for that significant
5 hazardous materials transportation incident.

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

9 “(C) NOTICE.—After the Secretary has re-
10 ceived the documented costs under paragraph
11 (6)(B), the Secretary shall provide notice to the
12 responsible party regarding the total amount
13 owed.

14 “(D) FINAL AGENCY ACTION.—Not later
15 than 30 days after the Secretary makes a deter-
16 mination of the amount for which the respon-
17 sible party is liable under subparagraph (A),
18 the responsible party may challenge that deter-
19 mination as a final agency action.

20 “(E) CIVIL ACTION.—

21 “(i) IN GENERAL.—The Attorney
22 General may bring a civil action in an ap-
23 propriate district court of the United
24 States to collect unpaid amounts under

1 this paragraph and any accrued interest on
2 those amounts.

3 “(ii) LIMITATION ON JUDICIAL RE-
4 VIEW.—In a civil action under clause (i),
5 the amount for which a responsible party
6 is liable, as determined by the Secretary,
7 unless challenged under subparagraph (D),
8 shall not be subject to judicial review.

9 “(F) DISCRETION.—If the responsible
10 party is a small business concern (within the
11 meaning of part 121 of title 13, Code of Fed-
12 eral Regulations (or successor regulations)) that
13 is unable to fully reimburse the Secretary, the
14 Secretary shall have discretion with respect to
15 the amount of funds the Secretary requests
16 from the responsible party under this para-
17 graph.

18 “(9) STREAMLINED APPLICATION PROCESS.—
19 The Secretary shall streamline the application proc-
20 ess for the receipt of funds under this subsection, in-
21 cluding by—

22 “(A) providing technical assistance to eligi-
23 ble entities; and

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

1 “(10) SAVINGS PROVISIONS.—

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

5 “(B) REIMBURSEMENT.—

6 “(i) IN GENERAL.—A responsible
7 party may, in accordance with any other
8 applicable law—

9 “(I) seek to establish that an-
10 other party was responsible, in whole
11 or in part (as such other law allows),
12 for the applicable significant haz-
13 ardous materials transportation inci-
14 dent; and

15 “(II) seek reimbursement (to the
16 extent such other law allows) from
17 that other party.

18 “(ii) EFFECT OF SUBSECTION.—
19 Nothing in this subsection limits, or may
20 be construed to limit, the ability of a re-
21 sponsible party to seek reimbursement
22 from any other party found to be respon-
23 sible in any civil action arising from the
24 applicable significant hazardous materials
25 transportation incident.

1 “(iii) EFFECT OF DETERMINATION.—

2 A determination by the Secretary that a
3 party is a responsible party for purposes of
4 this subsection shall not be considered or
5 otherwise have any effect with respect to
6 the determination of liability in any civil
7 action described in clause (ii).

8 “(iv) EFFECT OF REIMBURSEMENTS

9 AND OTHER ACTIVITIES.—No activity
10 taken under this subsection to reimburse
11 an eligible entity, reimburse the Secretary,
12 prepare or carry out a reimbursement
13 plan, or otherwise comply with or make a
14 payment under this subsection shall be
15 considered or otherwise have any effect
16 with respect to the determination of liabil-
17 ity in any civil action described in clause
18 (ii).

19 “(11) COMPTROLLER GENERAL REPORT.—

20 “(A) IN GENERAL.—Not later than Sep-
21 tember 30, 2027, the Comptroller General of
22 the United States shall submit to Congress a
23 report on the effectiveness this subsection.

1 “(B) CONTENTS.—The report submitted
2 under subparagraph (A) shall include, at a min-
3 imum, information on—

4 “(i) the number of significant haz-
5 ardous materials transportation incidents
6 that received funding under this sub-
7 section;

8 “(ii) the amount of financial assist-
9 ance the Secretary provided to eligible enti-
10 ties;

11 “(iii) the amount of financial assist-
12 ance responsible parties submitted to the
13 Secretary under paragraph (8);

14 “(iv) the amount of reimbursement
15 the Secretary received from eligible entities
16 as required under paragraph (6)(C);

17 “(v) whether the amounts provided by
18 the Secretary under this subsection ade-
19 quately reflect the amounts actually spent
20 by the eligible entities;

21 “(vi) whether the Secretary was able
22 to provide the financial assistance quickly
23 enough to the eligible entities so that the
24 assistance effectively supported the pre-

1 paredness of the eligible entities to respond
2 to potential future incidents; and

3 “(vii) any other factors the Comp-
4 troller General of the United States con-
5 siders to be appropriate to review the effec-
6 tiveness of this subsection.”; and

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

8 “(m) DEFINITIONS.—In this section:

9 “(1) EMERGENCY RESPONSE PERSONNEL.—

10 The term ‘emergency response personnel’ means—

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

13 “(B) a person belonging to a public emer-
14 gency response organization.

15 “(2) PUBLIC EMERGENCY RESPONSE ORGANIZA-
16 TION.—

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

19 “(i) a fire department that has an all-
20 paid force of firefighting personnel other
21 than paid-on-call firefighters;

22 “(ii) a fire department that has—

23 “(I) paid firefighting personnel;
24 and

1 “(II) volunteer firefighting per-
2 sonnel;

3 “(iii) a nonaffiliated EMS organiza-
4 tion; and

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

“(B) ASSOCIATED DEFINITION.—For purposes of subparagraph (A)(iii), the term ‘non-affiliated EMS organization’ means a public or private nonprofit emergency medical services organization that—

12 “(i) is not affiliated with a hospital;
13 and

14 “(ii) does not serve a geographic area
15 for which the Secretary or a State finds
16 that emergency medical services are ade-
17 quately provided by a fire department.”.