

103^D CONGRESS
1ST SESSION

S. 1640

To amend the Hazardous Materials Transportation Act to authorize appropriations to carry out that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 8 (legislative day, NOVEMBER 2), 1993

Mr. EXON introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend the Hazardous Materials Transportation Act to authorize appropriations to carry out that Act, 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.**

4 This Act may be cited as the “Hazardous Materials
5 Transportation Authorization Act of 1993”.

6 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

7 Section 115(a) of the Hazardous Materials Transpor-
8 tation Act (49 App. U.S.C. 1812(a)) is amended by strik-
9 ing all after “not to exceed” and inserting in lieu thereof

1 “\$12,600,000 for fiscal year 1994, \$13,100,000 for fiscal
2 year 1995, and \$13,600,000 for fiscal year 1996.”.

3 **SEC. 3. EXEMPTIONS FROM REQUIREMENT TO FILE REG-**
4 **ISTRATION STATEMENT.**

5 Section 106(c) of the Hazardous Materials Transpor-
6 tation Act (49 App. U.S.C. 1805(c)) is amended by adding
7 at the end the following new paragraph:

8 “(16) FOREIGN OFFERORS.—A person who is
9 domiciled outside the United States and who offers,
10 solely from a location outside the United States,
11 hazardous materials for transportation in commerce
12 does not have to file a registration statement under
13 this subsection.”.

14 **SEC. 4. PLANNING GRANTS FOR INDIAN TRIBES.**

15 (a) **AUTHORITY TO MAKE GRANTS.**—Section
16 117A(a)(1) of the Hazardous Materials Transportation
17 Act (49 App. U.S.C. 1815(a)(1)) is amended—

18 (1) in the introductory matter, by inserting
19 “and Indian tribes” immediately after “States”; and

20 (2) in subparagraph (A), by striking “within a
21 State and between a State and another State” and
22 inserting in lieu thereof “within the lands under the
23 jurisdiction of a State or Indian tribe, and between
24 the lands under the jurisdiction of a State or Indian

1 tribe and the lands of another State or Indian
2 tribe”.

3 (b) MAINTENANCE OF EFFORT.—Section 117A(a)(2)
4 of the Hazardous Materials Transportation Act (49 App.
5 U.S.C. 1815(a)(2)) is amended by inserting “or Indian
6 tribe” immediately after “State” each place it appears.

7 (c) COORDINATION OF PLANNING.—Section 117A(a)
8 of the Hazardous Materials Transportation Act (49 App.
9 U.S.C. 1815(a)) is amended by adding at the end the fol-
10 lowing new paragraph:

11 “(4) COORDINATION OF PLANNING.—A State or
12 Indian tribe receiving a grant under this subsection
13 shall ensure that planning under the grant is coordi-
14 nated with emergency planning conducted by adja-
15 cent States and Indian tribes.”.

16 **SEC. 5. TRAINING CRITERIA FOR SAFE HANDLING AND**
17 **TRANSPORTATION.**

18 Section 106(b)(3) of the Hazardous Materials Trans-
19 portation Act (49 App. U.S.C. 1805(b)(3)) is amended—

20 (1) in the paragraph heading, by striking
21 “EMERGENCY RESPONSE” and insert in lieu thereof
22 “EMPLOYEE”;

23 (2) by inserting “or duplicate” immediately
24 after “conflict with”; and

1 (3) by striking all after “Labor relating to”
 2 through “(and amendments thereto) and” and in-
 3 serting in lieu thereof “hazard communication, and
 4 hazardous waste operations and emergency response,
 5 contained in part 1910 of title 29 of the Code of
 6 Federal Regulations (and amendments thereto) or”.

7 **SEC. 6. DISCLOSURE OF FEES LEVIED BY STATES, POLITI-**
 8 **CAL SUBDIVISIONS, AND INDIAN TRIBES.**

9 Section 112(b) of the Hazardous Materials Transpor-
 10 tation Act (49 App. U.S.C. 1811(b)) is amended—

11 (1) by inserting immediately after “(b) FEES.—
 12 ” the following heading:

13 “(1) RESTRICTION.—”; and

14 (2) by adding at the end the following new
 15 paragraph:

16 “(2) DISCLOSURE.—A State or political sub-
 17 division thereof or Indian tribe that levies a fee in
 18 connection with the transportation of hazardous ma-
 19 terials shall, upon the Secretary’s request, report to
 20 the Secretary on—

21 “(A) the basis on which the fee is levied
 22 upon persons involved in such transportation;

23 “(B) the purposes for which the revenues
 24 from the fee are used;

1 “(C) the annual total amount of the reve-
2 nues collected from the fee; and

3 “(D) such other matters as the Secretary
4 requests.”.

5 **SEC. 7. ANNUAL REPORT.**

6 Section 109 of the Hazardous Materials Transpor-
7 tation Act (49 App. U.S.C. 1808(e)) is amended by strik-
8 ing the first sentence and inserting in lieu thereof the fol-
9 lowing: “The Secretary shall, once every 2 years, prepare
10 and submit to the President for transmittal to the Con-
11 gress a comprehensive report on the transportation of haz-
12 ardous materials during the preceding 2 calendar years.”.

13 **SEC. 8. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.**

14 In implementing the Intelligent Vehicle-Highway Sys-
15 tems Act of 1991 (23 U.S.C. 307 note), the Secretary of
16 Transportation shall ensure that the National Intelligent
17 Vehicle-Highway Systems Program addresses, in a com-
18 prehensive and coordinated manner, the use of intelligent
19 vehicle-highway system technologies to promote hazardous
20 materials transportation safety. The Secretary of Trans-
21 portation shall ensure that one or more operational tests
22 funded under such Act shall promote such safety and ad-
23 vance technology for providing information to persons who
24 provide emergency response to hazardous materials trans-
25 portation incidents.

1 **SEC. 9. RAIL TANK CAR SAFETY.**

2 Not later than 1 year after the date of enactment
3 of this Act, the Secretary of Transportation shall issue
4 final regulations under the following:

5 (1) The rulemaking proceeding under Docket
6 HM-175A entitled “Crashworthiness Protection Re-
7 quirements for Tank Cars”.

8 (2) The rulemaking proceeding under Docket
9 HM-201 entitled “Detection and Repair of Cracks,
10 Pits, Corrosion, Lining Flaws, Thermal Protection
11 Flaws and Other Defects of Tank Car Tanks”.

12 **SEC. 10. SAFE PLACEMENT OF TRAIN CARS.**

13 The Secretary of Transportation shall conduct a
14 study of existing practices regarding the placement of cars
15 on trains, with particular attention to the placement of
16 cars that carry hazardous materials. In conducting the
17 study, the Secretary shall consider whether such place-
18 ment practices increase the risk of derailment, hazardous
19 materials spills, or tank ruptures or have any other ad-
20 verse effect on safety. The results of the study shall be
21 submitted to Congress within 1 year after the date of en-
22 actment of this Act.

23 **SEC. 11. GRADE CROSSING SAFETY.**

24 The Secretary of Transportation shall, within 6
25 months after the date of enactment of this Act, amend
26 regulations—

1 (1) under the Hazardous Materials Transpor-
2 tation Act (49 App. U.S.C. 1801 et seq.) to prohibit
3 the driver of a motor vehicle transporting hazardous
4 materials in commerce, and

5 (2) under the Motor Carrier Safety Act of 1984
6 (49 App. U.S.C. 2501 et seq.) to prohibit the driver
7 of any commercial motor vehicle,
8 from driving the motor vehicle onto a highway-rail grade
9 crossing without having sufficient space to drive com-
10 pletely through the crossing without stopping.

11 **SEC. 12. DRIVER'S RECORD OF DUTY STATUS.**

12 (a) IN GENERAL.—Not later than 6 months after the
13 date of enactment of this Act, the Secretary of Transpor-
14 tation shall promulgate regulations amending section
15 395.8(k) of title 49, Code of Federal Regulations, to re-
16 quire that any supporting document bearing on the record
17 of duty status of a driver who operates a commercial
18 motor vehicle—

19 (1) be retrained, by the motor carrier using
20 such driver, for at least 6 months following its re-
21 ceipt of such document; and

22 (2) include information identifying the driver
23 and vehicle related to the document.

24 (b) DEFINITION.—In this section, the term “support-
25 ing document” means any electronic or paper document

1 or record generated in the normal course of business, in
2 the provision of transportation by commercial motor vehi-
3 cle, that could be used by a safety inspector or motor car-
4 rier to verify the accuracy of entries in a driver's record
5 of duty status, including trip reports, pay slips, bills of
6 lading or shipping papers, and receipts for fuel, lodging,
7 and tolls.

8 **SEC. 13. SAFETY PERFORMANCE HISTORY OF NEW DRIV-**
9 **ERS.**

10 (a) **AMENDMENT OF REGULATIONS.**—Within 18
11 months after the date of enactment of this Act, the Sec-
12 retary of Transportation shall amend section 391.23 of
13 title 49, Code of Federal Regulations, to—

14 (1) specify the safety information that must be
15 sought under that section by a motor carrier with
16 respect to a driver;

17 (2) require that such information be requested
18 from former employers and that former employers
19 furnish the requested information within 30 days
20 after receiving the request; and

21 (3) ensure that the driver to whom such infor-
22 mation applies has a reasonable opportunity to re-
23 view and comment on the information.

1 (b) SAFETY INFORMATION.—The safety information
2 required to be specified under subsection (a)(1) shall in-
3 clude information on—

4 (1) any motor vehicle accidents in which the
5 driver was involved during the preceding 3 years;

6 (2) any failure of the driver, during the preced-
7 ing 3 years, to undertake or complete a rehabilita-
8 tion program under section 12020 of the Commer-
9 cial Motor Vehicle Safety Act of 1986 (49 App.
10 U.S.C. 2701) after being found to have used, in vio-
11 lation of law or Federal regulation, alcohol or a con-
12 trolled substance;

13 (3) any use by the driver, during the preceding
14 3 years, in violation of law or Federal regulation, of
15 alcohol or a controlled substance subsequent to com-
16 pleting such a rehabilitation program; and

17 (4) any other matters determined by the Sec-
18 retary of Transportation to be appropriate and use-
19 ful for determining the driver's safety performance.

20 (c) FORMER EMPLOYER.—For purposes of this sec-
21 tion, a former employer is any person who employed the
22 driver in the preceding 3 years.

23 **SEC. 14. RETENTION OF SHIPPING PAPERS.**

24 (a) AMENDMENT.—Section 105(g) of the Hazardous
25 Materials Transportation Act (49 U.S.C. 1804(g)) is

1 amended by adding at the end the following new para-
2 graph:

3 “(5) RETENTION OF PAPERS.—After the haz-
4 arduous material to which a shipping paper provided
5 to a carrier under paragraph (1) applies is no longer
6 in transportation, the person who provided the ship-
7 ping paper and the carrier required to maintain it
8 under paragraph (1) shall retain the paper at their
9 respective principal places of business. Such person
10 and carrier shall, upon request, make the shipping
11 paper available to a Federal, State, or local govern-
12 ment agency at reasonable times and locations.”.

13 (b) REGULATIONS.—Not later than 6 months after
14 the date of enactment of this Act, the Secretary of Trans-
15 portation shall issue regulations implementing the require-
16 ments of paragraph (5) of section 105(g) of the Hazard-
17 ous Materials Transportation Act, as added by subsection
18 (a) of this section.

19 **SEC. 15. TOLL FREE NUMBER FOR REPORTING.**

20 The Secretary of Transportation shall establish a toll
21 free “800” telephone number for transporters of hazard-
22 ous materials and other individuals to report to the Sec-
23 retary possible violations of the Hazardous Materials
24 Transportation Act (49 App. U.S.C. 1801 et seq.) or any
25 order or regulation issued under this Act.

1 **SEC. 16. TECHNICAL CORRECTIONS.**

2 (a) AMENDMENTS RELATING TO PACKAGING.—(1)
3 Sections 103(5)(B), 103(6)(A)(iii), and 109(c) of the Haz-
4 ardous Materials Transportation Act (49 App. U.S.C.
5 1802(5)(B), 1802(6)(A)(iii), 1808(c)) are each amended
6 by striking “packages” and inserting in lieu thereof
7 “packaging”.

8 (2) Sections 105(a)(3), 105(a)(4)(B)(v), 110(a)(1),
9 and 120 of the Hazardous Materials Transportation Act
10 (49 App. U.S.C. 1804(a)(3), 1804(a)(4)(B)(v),
11 1809(a)(1), 1818) are each amended by striking “a pack-
12 age” and inserting in lieu thereof “packaging”.

13 (3) Sections 106(c)(1)(B) of the Hazardous Materials
14 Transportation Act (49 App. U.S.C. 1805(c)(1)(B)) is
15 amended—

16 (A) by striking “a bulk package” and inserting
17 in lieu thereof “bulk packaging”; and

18 (B) by striking “the package” and inserting in
19 lieu thereof “the bulk packaging”.

20 (b) OTHER.—(1) Section 105(a)(3) of the Hazardous
21 Materials Transportation Act (49 App. U.S.C.
22 1804(a)(3)) is amended by inserting “hazardous mate-
23 rials” immediately after “shipped”.

24 (2) Section 105(e)(1) of the Hazardous Materials
25 Transportation Act (49 App. U.S.C. 1804(e)(1)) is
26 amended by striking “or package” and inserting in lieu

1 thereof “, package, or packaging (or a component of a con-
2 tainer, package, or packaging)”.

3 **SEC. 17. EXEMPTION FROM HOURS OF SERVICE REQUIRE-**
4 **MENTS.**

5 The Secretary of Transportation shall exempt farm-
6 ers and retail farm supplies from the hours of service re-
7 quirements contained in section 395.3 of title 49, Code
8 of Federal Regulations, when such farmers and retail farm
9 supplies are transporting farm supplies for agricultural
10 purposes within a 50-mile radius of their distribution
11 point during the crop-planting season.

○