AMENDMENT TO RULES COMMITTEE PRINT 118–10

OFFERED BY MR. DELUZIO OF PENNSYLVANIA

At the end of subtitle C of title XVIII, add the following:

SEC. ____. ASSISTANCE FOR LOCAL HEROES DURING TRAIN CRISSES.

(a) HAZARDOUS TRAIN EVENTS.—

(1) IN GENERAL.—Chapter 209 of title 49, United States Code, is amended by adding at the end the following:

§ 20904. Hazardous train events

“(a) DEFINITIONS.—In this section:

“(1) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of the Federal Railroad Administration.

“(2) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State or local emergency response group, including a law enforcement agency, a fire department, and an emergency response agency, located in an area affected by a hazardous train event.
“(3) **FUND.**—The term ‘Fund’ means the Hazardous Train Event Emergency Reimbursement Fund established under subsection (c).

“(4) **HAZARDOUS TRAIN EVENT.**—The term ‘hazardous train event’ means a train incident that the Administrator has declared to be a hazardous train event pursuant to subsection (b).

“(b) **DECLARATION.**—

“(1) **IN GENERAL.**—The Administrator, in consultation with the Administrator of the Federal Emergency Management Agency and the Administrator of the Environmental Protection Agency, may declare that a hazardous train event has occurred not later than 3 days after the occurrence of a train derailment, train crash, or other incident involving a train carrying hazardous materials, hazardous waste, or other materials that pose a threat to public health, safety, and the environment, as determined by the Administrator.

“(2) **EFFECT OF DECLARATION.**—Upon a declaration pursuant to subsection (a), the Administrator shall immediately award at least $250,000 from the Fund to 1 or more eligible entities pursuant to subsection (d).
“(3) ADDITIONAL FUNDING AWARD.—Not later than 5 days after a declaration pursuant to subsection (a), the Administrator may award additional amounts to the initially awarded entities for further costs or other eligible entities from the Fund, not to exceed $3,000,000 per hazardous train event. Amounts awarded pursuant to this paragraph shall be allocated based on additional needs, as determined by the Administrator.

“(c) HAZARDOUS TRAIN EVENT EMERGENCY REIMBURSEMENT FUND.—There is established within the Treasury of the United States a fund, which—

“(1) shall be known as the ‘Hazardous Train Event Emergency Reimbursement Fund’; and

“(2) shall be administered by the Administrator.

“(d) ASSISTANCE FOR ELIGIBLE ENTITIES.—

“(1) IN GENERAL.—The Administrator may use amounts from the Fund to reimburse eligible entities, in accordance with subsection (b)—

“(A) for the cost of replacing equipment that is damaged, contaminated, or otherwise rendered unusable as a result of the response of the eligible entity to a hazardous train event;
“(B) for overtime pay for firefighters, law
enforcement officers, or other emergency re-
sponders who work at the scene of a hazardous
train event;

“(C) for operational costs for actions taken
to respond to a hazardous train event;

“(D) for any other purpose related to a
hazardous train event, as determined by the
Administrator; and

“(E) to retroactively cover a cost described
in any of subparagraphs (A) through (D) that
is incurred after the date of a hazardous train
event or within 30 days of the receipt of
amounts under this subsection.

“(2) DOCUMENTATION OF COSTS.—

“(A) IN GENERAL.—Not later than 120
days after the date on which the Administrator
declares a hazardous train event for which an
eligible entity receives assistance under this
subsection, the eligible entity shall submit docu-
mentation to the Administrator for each item
for which such assistance is used through proc-
urement or reimbursement.

“(B) REIMBURSEMENT.—If the Adminis-
trator determines that an eligible entity has
used assistance received under this subsection in violation of this subsection, the eligible entity shall reimburse the Fund for the amount of such assistance. Reimbursements to the Fund shall be made eligible for future hazardous train events.”.

(2) CLERICAL AMENDMENT.—The analysis for chapter 209 of title 49, United States Code, is amended by adding at the end the following:

“20904. Hazardous train events.”.

(b) ADVANCE WARNING REQUIREMENT.—The Secretary of Transportation, in consultation with the Administrator of the Transportation Security Administration, shall issue regulations requiring any railroad that transports hazardous materials by train through any community in the United States to provide county and local emergency response groups in such community, including police departments, fire departments, and emergency response agencies, with—

(1) advance warning of such train’s load and timing; and

(2) real-time location information on such a train when it enters and exits its service area the applicable service area.

(c) HAZARDOUS MATERIALS EMERGENCY REIMBURSEMENT FEEX.”
(1) IN GENERAL.—Section 5108(g) of title 49, United States Code, is amended by adding at the end the following:

“(4) HAZARDOUS MATERIALS EMERGENCY REIMBURSEMENT FEE FOR SHIPPERS AND CARRIERS OF HAZARDOUS MATERIAL.—

“(A) SCHEDULE OF FEES.—The Secretary shall prescribe a schedule of annual fees for shippers and carriers of hazardous materials by rail that have total annual collections of not less than $10,000,000.

“(B) DEPOSITS INTO TRUST FUND.—Fees collected pursuant to subparagraph (A) shall be deposited into the Hazardous Train Event Emergency Reimbursement Fund established under section 20904.”.

(2) DEPOSITS INTO TRUST FUND.—Amounts collected from shippers and carriers pursuant to section 5108(g)(4), United States Code, as added by paragraph (1), shall be regularly deposited into the Hazardous Train Event Emergency Reimbursement Fund established under section 20904 of title 49, United States Code, as added by subsection (a).