

115TH CONGRESS  
1ST SESSION

# H. R. 4629

To direct the Department of Transportation to issue regulations to require enhanced security measures for shipments of security sensitive material, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 12, 2017

Ms. NORTON introduced the following bill; which was referred to the  
Committee on Transportation and Infrastructure

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## A BILL

To direct the Department of Transportation to issue regulations to require enhanced security measures for shipments of security sensitive material, 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 “Save Our Communities  
5        from Risky Trains Act of 2017”.

1 **SEC. 2. ENHANCED SECURITY MEASURES FOR SHIPMENTS**  
2 **OF SECURITY SENSITIVE MATERIAL.**

3 (a) IN GENERAL.—Not later than 90 days after the  
4 date of enactment of this Act, the Secretary of Transpor-  
5 tation shall issue regulations to require enhanced security  
6 measures for shipments of security sensitive material.

7 (b) SECURITY SENSITIVE MATERIAL.—The Secretary  
8 shall designate a material, or a group or class of material,  
9 in a particular amount and form as security sensitive if  
10 the Secretary determines that transporting the material  
11 in commerce poses a significant risk to national security  
12 due to the potential use of the material in an act of ter-  
13 rorism. In making such a designation, the Secretary shall  
14 consider the following:

15 (1) A highway route-controlled quantity of a  
16 Class 7 (radioactive) material, as defined in section  
17 173.403 of title 49, Code of Federal Regulations, in  
18 a motor vehicle, railroad car, or freight container.

19 (2) More than 25 kilograms of a division 1.1,  
20 1.2, or 1.3 explosive, as defined in section 173.50 of  
21 title 49, Code of Federal Regulations, in a motor ve-  
22 hicle, rail car, or freight container.

23 (3) More than one liter per package of a mate-  
24 rial poisonous by inhalation, as defined in section  
25 171.8 of title 49, Code of Federal Regulations, that  
26 meets the criteria for hazard zone A, as specified in

1 section 173.116(a) or section 173.133(a) of title 49,  
2 Code of Federal Regulations.

3 (4) A shipment of a quantity of hazardous ma-  
4 terials in a bulk packaging having a capacity equal  
5 to or greater than 13,248 liters for liquids or gases  
6 or more than 13.24 cubic meters for solids.

7 (5) A select agent or toxin regulated by the  
8 Centers for Disease Control and Prevention under  
9 part 73 of title 42, Code of Federal Regulations.

10 (6) A quantity of hazardous material that re-  
11 quires placarding under the provisions of subpart F  
12 of part 172 of title 49, Code of Federal Regulations.

13 (c) COMPILATION OF ROUTE AND STORAGE PAT-  
14 TERN INFORMATION FOR RAILROAD CARRIERS TRANS-  
15 PORTING SECURITY SENSITIVE MATERIAL.—Not later  
16 than 90 days after the last day of each calendar year, a  
17 railroad carrier that transports security sensitive material  
18 shall compile commodity data by route and storage pat-  
19 tern, a line segment or series of line segments as aggre-  
20 gated by the railroad carrier. Within a railroad carrier se-  
21 lected route, the commodity data shall identify the geo-  
22 graphic location of the route and storage pattern and the  
23 total number of shipments by United Nations identifica-  
24 tion number for security sensitive material and storage  
25 patterns along the route.

1 (d) RAIL TRANSPORTATION ROUTE AND STORAGE  
2 PATTERN ANALYSIS FOR SECURITY SENSITIVE MATE-  
3 RIAL.—For each calendar year, a railroad carrier that  
4 transports security sensitive material shall submit to the  
5 Secretary a written analysis of the security risks for the  
6 transportation routes and storage patterns identified in  
7 the commodity data collected as required by subsection  
8 (c). The analysis shall include the security risks present  
9 for the route, railroad facilities, railroad storage facilities,  
10 private storage facilities, and areas of concern along or  
11 in proximity to the route.

12 (e) ALTERNATIVE ROUTE AND STORAGE PATTERN  
13 ANALYSIS FOR SECURITY SENSITIVE MATERIAL.—

14 (1) IN GENERAL.—Before the last day of each  
15 calendar year, a railroad carrier that transports se-  
16 curity sensitive material shall submit to the Sec-  
17 retary of Transportation a report containing—

18 (A) a description of any practical alter-  
19 native routes and storage patterns that avoid  
20 areas of concern for each of the transportation  
21 routes or facilities such carrier used to trans-  
22 port or store security sensitive material through  
23 or near areas of concern during such calendar  
24 year;

1 (B) a security risk assessment of each al-  
2 ternative route and storage pattern that in-  
3 cludes the information required under sub-  
4 section (d); and

5 (C) a comparison of the risks identified  
6 under subparagraph (B) to the applicable pri-  
7 mary rail transportation route and storage pat-  
8 tern analyzed under subsection (d).

9 (2) CONSIDERATIONS.—A railroad carrier shall  
10 consider the availability of interchange agreements  
11 or systems of tracks and facilities owned by other  
12 operators when determining whether an alternate  
13 route for transporting security sensitive material to  
14 avoid areas of concern is practical pursuant to para-  
15 graph (1)(A).

16 (3) IMPRACTICAL ALTERNATIVE ROUTE OR  
17 STORAGE FACILITY.—A railroad carrier may con-  
18 sider an alternate route or storage facility that  
19 avoids an area of concern to not be a practical alter-  
20 native route and storage pattern under paragraph  
21 (1)(A) if—

22 (A) the shipment originates in or is des-  
23 tined for the area of concern; or

24 (B) there would be no harm beyond the  
25 property of the railroad carrier transporting the

1 shipment or storage facility storing the ship-  
2 ment in the event of a successful terrorist at-  
3 tack on the shipment.

4 (f) ALTERNATIVE ROUTE AND STORAGE PATTERN  
5 SELECTION FOR SECURITY SENSITIVE MATERIAL.—Not  
6 later than 90 days after submission of a report under sub-  
7 section (e), the railroad carrier shall begin using the route  
8 and storage pattern that, as determined by the analyses  
9 required under subsections (d) and (e), best reduces the  
10 risk, including consequences, of a terrorist attack on, or  
11 derailment of, a shipment of security sensitive material  
12 that is transported through or near an area of concern.

13 (g) REVIEW.—Not less than once every 5 years, each  
14 railroad carrier that transports security sensitive material  
15 shall conduct a comprehensive, system-wide review of all  
16 operational changes, infrastructure modifications, traffic  
17 adjustments, changes in the nature of the areas of concern  
18 located along or in proximity to the route, or other  
19 changes affecting the security of the movements of the ma-  
20 terials determined to be security sensitive under sub-  
21 section (b) that were implemented during the 5-year pe-  
22 riod.

23 (h) DEFINITIONS.—In this section, the following defi-  
24 nitions apply:

1           (1) AREA OF CONCERN.—The term “area of  
2 concern” means a geographic region designated by  
3 the Secretary of Transportation as commanding spe-  
4 cial consideration with respect to the security of the  
5 transportation of security sensitive material, which  
6 shall include high threat urban areas as determined  
7 by the Secretary.

8           (2) RAILROAD CARRIER.—The term “railroad  
9 carrier” has the meaning given that term in section  
10 20102 of title 49, United States Code.

11           (3) SECURITY SENSITIVE MATERIAL.—The term  
12 “security sensitive material” means a material deter-  
13 mined by the Secretary of Transportation to be se-  
14 curity sensitive pursuant to subsection (b).

15           (4) STORAGE PATTERN.—The term “storage  
16 pattern” means the conditions of storage, includ-  
17 ing—

18                   (A) location of cars in railroad yards or on  
19 railroad-controlled leased tracks;

20                   (B) type of storage, such as bulk transfer;

21                   (C) typical types and numbers of security  
22 sensitive material cars stored in close proximity  
23 (in ranges);

24                   (D) population density;

1           (E) average length of time cars are stored,  
2           attended or unattended; and

3           (F) security measures present, including  
4           physical security measures, secure handoffs and  
5           nearest available safe havens for storage in case  
6           of heightened threat conditions.

7           (5) **TERRORISM.**—The term “terrorism” has  
8           the meaning given that term in section 2 of the  
9           Homeland Security Act of 2002 (6 U.S.C. 101).

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