

113TH CONGRESS  
2D SESSION

# H. R. 4689

To require a plan approved by the Surface Transportation Board for the long-term storage of rail cars on certain railroad tracks.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2014

Mr. KLINE introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To require a plan approved by the Surface Transportation Board for the long-term storage of rail cars on certain railroad tracks.

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. STORAGE OF RAIL CARS.**

4       (a) AMENDMENT.—Chapter 109 of title 49, United  
5 States Code, is amended by adding at the end the fol-  
6 lowing new section:

7       **“§ 10911. Storage of rail cars**

8       “(a) REQUIREMENT OF STORAGE PLAN.—

9               “(1) GENERAL RULE.—A rail carrier providing  
10 transportation subject to the jurisdiction of the

1 Board under this part who has stored any rail cars,  
2 including rail cars that it owns or leases, on tracks  
3 described in paragraph (2) for a period of 3 years  
4 or more and continues to store such cars on such  
5 tracks on the date of enactment of this section shall  
6 submit to the Board a plan for such storage under  
7 subsection (b).

8 “(2) COVERED TRACKS.—Tracks referred to in  
9 paragraph (1) are tracks passing through an area  
10 zoned for commercial or residential use that were  
11 designed or previously used for through transpor-  
12 tation of trains, and do not include rail yard or stor-  
13 age yard tracks.

14 “(b) PLAN.—

15 “(1) CONTENTS.—A plan submitted to the  
16 Board under subsection (a)(1) shall contain—

17 “(A) an explanation of the rail carrier’s  
18 reasons for the storage of rail cars on the  
19 tracks specified in the plan, including an expla-  
20 nation of why no suitable alternative site for  
21 storage of the rail cars exists;

22 “(B) a description of the tracks on which  
23 the rail cars are stored or will be stored, includ-  
24 ing the proximity of such tracks to a home or  
25 school;

1           “(C) evidence that the rail carrier has  
2 worked with the relevant local community to de-  
3 velop measures described in subparagraphs (D)  
4 and (E);

5           “(D) a description of measures to be un-  
6 dertaken to ensure that the rail car storage will  
7 not jeopardize the public safety for the duration  
8 of the period to which the plan applies;

9           “(E) a description of measures to be un-  
10 dertaken to mitigate any impacts of the long-  
11 term storage of rail cars on the community  
12 through which the tracks pass; and

13           “(F) an estimated timeline for the final  
14 disposition of the rail cars to be stored on the  
15 specified tracks.

16           “(2) APPROVAL.—Not later than 6 months  
17 after receiving a complete plan under this section,  
18 the Board, after public notice and an opportunity for  
19 public comment, shall approve or disapprove the  
20 plan. The Board shall approve the plan unless the  
21 Board determines that the storage of rail cars cov-  
22 ered by the plan jeopardizes public safety, including  
23 the safety of children. Any such determination shall  
24 be based on information provided in the plan, by the

1 local community, or otherwise through public com-  
2 ment.

3 “(c) AUTHORITY.—

4 “(1) GENERAL RULE.—Except as provided in  
5 paragraph (2), a rail carrier providing transpor-  
6 tation subject to the jurisdiction of the Board under  
7 this part may store rail cars as described in sub-  
8 section (a) only in accordance with a plan for such  
9 storage approved by the Board under subsection  
10 (b)(2).

11 “(2) INTERIM AUTHORITY.—

12 “(A) IN GENERAL.—Except as provided in  
13 subparagraph (B), the Board shall authorize  
14 the temporary storage of rail cars as described  
15 in subsection (a) for a period before a plan has  
16 been approved under subsection (b)(2) if the  
17 Board determines that a plan for such storage  
18 has been submitted, or is being prepared for  
19 submittal in a timely manner, for approval  
20 under subsection (b).

21 “(B) EXCEPTION.—The Board shall not  
22 authorize temporary storage under this para-  
23 graph if the Board finds, on its own initiative  
24 or pursuant to information provided by the  
25 local community, that such storage poses a sig-

1           nificant safety hazard, including to the safety of  
2           children.

3           “(d) ENFORCEMENT.—

4           “(1) PETITIONS.—The Board shall establish  
5           procedures to enable a local governmental entity to  
6           petition the Board to enforce this section.

7           “(2) PENALTIES.—Each rail car with respect to  
8           which a violation of this section has occurred shall  
9           be considered a separate violation for purposes of  
10          section 11901(a).”.

11          (b) TABLE OF SECTIONS.—The table of sections for  
12          such chapter is amended by adding at the end the fol-  
13          lowing new item:

“10911. Storage of rail cars.”.

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