

114TH CONGRESS  
1ST SESSION

# S. 443

To prohibit the long-term storage of rail cars on certain railroad tracks unless the Surface Transportation Board has approved the rail carrier's rail car storage plan.

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IN THE SENATE OF THE UNITED STATES

FEBRUARY 10, 2015

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

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## A BILL

To prohibit the long-term storage of rail cars on certain railroad tracks unless the Surface Transportation Board has approved the rail carrier's rail car storage plan.

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:

7 **“§ 10911. Storage of rail cars**

8 “(a) STORAGE PLAN REQUIREMENT.—

1           “(1) IN GENERAL.—A rail carrier providing  
2 transportation subject to the jurisdiction of the  
3 Board under this part shall submit a storage plan  
4 to the Board in accordance with subsection (b) if the  
5 rail carrier—

6           “(A) has stored any rail cars, including  
7 rail cars that the rail carrier owns or leases, on  
8 tracks described in paragraph (2) for a period  
9 of 3 years or more; and

10           “(B) continues to store such cars on such  
11 tracks on the date of the enactment of this sec-  
12 tion.

13           “(2) COVERED TRACKS.—Tracks referred to in  
14 paragraph (1)(A)—

15           “(A) pass through an area zoned for com-  
16 mercial or residential use;

17           “(B) were designed or previously used for  
18 through transportation of trains; and

19           “(C) do not include rail yard or storage  
20 yard tracks.

21           “(b) PLAN.—

22           “(1) CONTENTS.—A storage plan submitted to  
23 the Board under subsection (a)(1) shall contain—

24           “(A) an explanation of the rail carrier’s  
25 reasons for storing rail cars on the tracks speci-

1           fied in the plan, including an explanation of  
2           why a suitable alternative storage site does not  
3           exist;

4           “(B) a description of the tracks on which  
5           the rail cars are stored or will be stored, includ-  
6           ing the proximity of such tracks to a home or  
7           school;

8           “(C) evidence that the rail carrier has  
9           worked with the relevant local community to de-  
10          velop measures described in subparagraph (D);

11          “(D) a description of measures to be un-  
12          dertaken—

13                 “(i) to ensure that the rail car storage  
14                 will not jeopardize the public safety for the  
15                 duration of the period to which the plan  
16                 applies; and

17                 “(ii) to mitigate any impacts of the  
18                 long-term storage of rail cars on the com-  
19                 munity through which the tracks pass; and

20          “(E) an estimated timeline for the final  
21          disposition of the rail cars to be stored on the  
22          specified tracks.

23          “(2) APPROVAL.—

24                 “(A) IN GENERAL.—Not later than 6  
25          months after receiving a storage plan under this

1 section, the Board, after public notice and an  
2 opportunity for public comment, shall—

3 “(i) approve the plan; or

4 “(ii) disapprove the plan if the Board  
5 determines that the storage of rail cars  
6 covered by the plan jeopardizes public safe-  
7 ty, including the safety of children.

8 “(B) BASIS.—Any determination under  
9 subparagraph (A) shall be based on information  
10 provided in the storage plan, by the local com-  
11 munity, or through public comment.

12 “(c) AUTHORITY.—

13 “(1) GENERAL RULE.—Except as provided in  
14 paragraph (2), a rail carrier providing transpor-  
15 tation subject to the jurisdiction of the Board under  
16 this part may store rail cars as described in sub-  
17 section (a) only in accordance with a storage plan  
18 approved by the Board under subsection (b)(2).

19 “(2) INTERIM AUTHORITY.—

20 “(A) IN GENERAL.—Except as provided in  
21 subparagraph (B), the Board shall authorize  
22 the temporary storage of rail cars as described  
23 in subsection (a) before a storage plan has been  
24 approved under subsection (b)(2) if the Board  
25 determines that a plan for such storage has

1           been submitted, or is being prepared for sub-  
 2           mittal in a timely manner, for approval under  
 3           subsection (b).

4           “(B) EXCEPTION.—The Board may not  
 5           authorize temporary storage under this para-  
 6           graph if the Board determines, on its own ini-  
 7           tiative or pursuant to information provided by  
 8           the local community, that such storage poses a  
 9           significant safety hazard, including to the safety  
 10          of children.

11          “(d) ENFORCEMENT.—

12           “(1) PETITIONS.—The Board shall establish  
 13           procedures to enable a local governmental entity to  
 14           petition the Board to enforce the provisions of this  
 15           section.

16           “(2) PENALTIES.—Each rail car stored in viola-  
 17           tion of this section shall constitute a separate viola-  
 18           tion for purposes of section 11901(a).”.

19          (b) TABLE OF SECTIONS.—The table of sections for  
 20          chapter 109 of title 49, United States Code, is amended  
 21          by adding at the end the following:

“10911. Storage of rail cars.”.

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