

118TH CONGRESS  
1ST SESSION

# H. R. 1238

To direct the Secretary of Transportation to issue certain regulations to define high-hazard flammable train, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 28, 2023

Mr. DELUZIO (for himself, Mr. KHANNA, Ms. TLAIB, Mr. MOSKOWITZ, Ms. BARRAGÁN, Mr. GARAMENDI, Mr. DOGGETT, Mr. NICKEL, Mr. RYAN, Ms. TOKUDA, Mr. BOWMAN, Mr. BOYLE of Pennsylvania, and Ms. LEE of Pennsylvania) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To direct the Secretary of Transportation to issue certain regulations to define high-hazard flammable train, 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 “Decreasing Emergency  
5 Railroad Accident Instances Locally Act” or the “DE-  
6 RAIL Act”.

1 **SEC. 2. HIGH-HAZARD FLAMMABLE TRAIN.**

2 Not later than 90 days after the date of enactment  
3 of this Act, the Secretary of Transportation shall issue  
4 such regulations as are necessary to amend section 171.8  
5 of title 49, Code of Federal Regulations, to modify the  
6 definition of “high-hazard flammable train” to mean a sin-  
7 gle train transporting 1 or more loaded tank cars of a  
8 Class 3 flammable liquid or a Class 2 flammable gas and  
9 other materials the Secretary determines necessary for  
10 safety.

11 **SEC. 3. REPORTING OF MATERIAL TOXIC BY INHALATION.**

12 (a) IN GENERAL.—Chapter 209 of title 49, United  
13 States Code, is amended by adding at the end the fol-  
14 lowing:

15 **“§ 20904. Reporting of accidents involving material**  
16 **toxic by inhalation**

17 “Not later than 24 hours after any train derailment  
18 involving a train carrying material toxic by inhalation, the  
19 railroad carrier involved in such derailment shall report  
20 to the National Response Center, State officials, local offi-  
21 cials, and Tribal governments all material toxic by inhala-  
22 tion on such train.”.

1           (b) CLERICAL AMENDMENT.—The analysis for chap-  
2 ter 209 of title 49, United States Code, is amended by  
3 adding at the end the following:

“20904. Reporting of accidents involving material toxic by inhalation.”.

