

118TH CONGRESS
1ST SESSION

S. 844

To authorize the declaration of a hazardous train event, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2023

Mr. CASEY (for himself, Mr. FETTERMAN, and Mr. BROWN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To authorize the declaration of a hazardous train event,
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 “Assistance for Local
5 Heroes During Train Crises Act”.

6 **SEC. 2. HAZARDOUS TRAIN EVENTS.**

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

1 **“§ 20904. Hazardous train events**

2 “(a) DEFINITIONS.—In this section:

3 “(1) ADMINISTRATOR.—The term ‘Adminis-
4 trator’ means the Administrator of the Federal Rail-
5 road Administration.

6 “(2) ELIGIBLE ENTITY.—The term ‘eligible en-
7 tity’ means a State or local emergency response
8 group, including a law enforcement agency, a fire
9 department, and an emergency response agency, lo-
10 cated in an area affected by a hazardous train event.

11 “(3) FUND.—The term ‘Fund’ means the Haz-
12 ardous Train Event Emergency Reimbursement
13 Fund established under subsection (c).

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

18 “(b) DECLARATION.—

19 “(1) IN GENERAL.—The Administrator, in con-
20 sultation with the Administrator of the Federal
21 Emergency Management Agency and the Adminis-
22 trator of the Environmental Protection Agency, may
23 declare that a hazardous train event has occurred
24 not later than 3 days after the occurrence of a train
25 derailment, train crash, or other incident involving a
26 train carrying hazardous materials, hazardous waste,

1 or other materials that pose a threat to public
2 health, safety, and the environment, as determined
3 by the Administrator.

4 “(2) EFFECT OF DECLARATION.—Upon a dec-
5 laration pursuant to subsection (a), the Adminis-
6 trator shall immediately award at least \$250,000
7 from the Fund to 1 or more eligible entities pursu-
8 ant to subsection (d).

9 “(3) ADDITIONAL FUNDING AWARD.—Not later
10 than 5 days after a declaration pursuant to sub-
11 section (a), the Administrator may award additional
12 amounts to the initially awarded entities for further
13 costs or other eligible entities from the Fund, not to
14 exceed \$3,000,000 per hazardous train event.
15 Amounts awarded pursuant to this paragraph shall
16 be allocated based on additional needs, as deter-
17 mined by the Administrator.

18 “(c) HAZARDOUS TRAIN EVENT EMERGENCY REIM-
19 BURSEMENT FUND.—There is established within the
20 Treasury of the United States a fund, which—

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

23 “(2) shall be administered by the Adminis-
24 trator.

25 “(d) ASSISTANCE FOR ELIGIBLE ENTITIES.—

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

4 “(A) for the cost of replacing equipment
5 that is damaged, contaminated, or otherwise
6 rendered unusable as a result of the response of
7 the eligible entity to a hazardous train event;

8 “(B) for overtime pay for firefighters, law
9 enforcement officers, or other emergency re-
10 sponders who work at the scene of a hazardous
11 train event;

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

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

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

22 “(2) DOCUMENTATION OF COSTS.—

23 “(A) IN GENERAL.—Not later than 120
24 days after the date on which the Administrator
25 declares a hazardous train event for which an

1 eligible entity receives assistance under this
2 subsection, the eligible entity shall submit docu-
3 mentation to the Administrator for each item
4 for which such assistance is used through pro-
5 curement or reimbursement.

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

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

“20904. Hazardous train events.”.

17 **SEC. 3. ADVANCE WARNING REQUIREMENT.**

18 The Secretary of Transportation, in consultation with
19 the Administrator of the Transportation Security Admin-
20 istration, shall issue regulations requiring any railroad
21 that transports hazardous materials by train through any
22 community in the United States to provide county and
23 local emergency response groups in such community, in-
24 cluding police departments, fire departments, and emer-
25 gency response agencies, with—

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

3 (2) real-time location information on such a
4 train when it enters and exits its service area the ap-
5 plicable service area.

6 **SEC. 4. HAZARDOUS MATERIALS EMERGENCY REIMBURSE-**
7 **MENT FEE.**

8 (a) IN GENERAL.—Section 5108(g) of title 49,
9 United States Code, is amended by adding at the end the
10 following:

11 “(4) HAZARDOUS MATERIALS EMERGENCY RE-
12 IMBURSEMENT FEE FOR SHIPPERS AND CARRIERS
13 OF HAZARDOUS MATERIAL.—

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

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

24 (b) DEPOSITS INTO TRUST FUND.—Amounts col-
25 lected from shippers and carriers pursuant to section

1 5108(g)(4), United States Code, as added by subsection
2 (a), shall be regularly deposited into the Hazardous Train
3 Event Emergency Reimbursement Fund established under
4 section 20904 of title 49, United States Code, as added
5 by section 2.

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