

**Calendar No. 347**

103D CONGRESS  
1ST SESSION

**S. 1640**

**[Report No. 103-217]**

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**A BILL**

To amend the Hazardous Materials Transportation Act to authorize appropriations to carry out that Act, and for other purposes.

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DECEMBER 9, 1993

Reported with amendments

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1<sup>ST</sup> SESSION**S. 1640****[Report No. 103-217]**

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IN THE SENATE OF THE UNITED STATES

NOVEMBER 8 (legislative day, NOVEMBER 2), 1993

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

DECEMBER 9, 1993

Reported under authority of the order of the Senate of November 17 (legislative day, November 2), 1993 by Mr. HOLLINGS, with amendments

[Omit the part struck through and insert the part printed in italic]

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**A BILL**

To amend the Hazardous Materials Transportation Act to authorize appropriations to carry out that Act, 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 “Hazardous Materials  
5       Transportation Authorization Act of 1993”.

1 **SEC. 2. AUTHORIZATION OF APPROPRIATIONS.**

2 Section 115(a) of the Hazardous Materials Transpor-  
3 tation Act (49 App. U.S.C. 1812(a)) is amended by strik-  
4 ing all after “not to exceed” and inserting in lieu thereof  
5 “\$12,600,000 for fiscal year 1994, \$13,100,000 for fiscal  
6 year 1995, and \$13,600,000 for fiscal year 1996.”.

7 **SEC. 3. EXEMPTIONS FROM REQUIREMENT TO FILE REG-**  
8 **ISTRATION STATEMENT.**

9 Section 106(c) of the Hazardous Materials Transpor-  
10 tation Act (49 App. U.S.C. 1805(c)) is amended by adding  
11 at the end the following new paragraph:

12 “(16) FOREIGN OFFERORS.—A person who is  
13 domiciled outside the United States and who offers,  
14 solely from a location outside the United States,  
15 hazardous materials for transportation in commerce  
16 does not have to file a registration statement under  
17 this subsection.”.

18 **SEC. 4. PLANNING GRANTS FOR INDIAN TRIBES.**

19 (a) **AUTHORITY TO MAKE GRANTS.**—Section  
20 117A(a)(1) of the Hazardous Materials Transportation  
21 Act (49 App. U.S.C. 1815(a)(1)) is amended—

22 (1) in the introductory matter, by inserting  
23 “and Indian tribes” immediately after “States”; and

24 (2) in subparagraph (A), by striking “within a  
25 State and between a State and another State” and  
26 inserting in lieu thereof “within the lands under the

1 jurisdiction of a State or Indian tribe, and between  
2 the lands under the jurisdiction of a State or Indian  
3 tribe and the lands of another State or Indian  
4 tribe”.

5 (b) MAINTENANCE OF EFFORT.—Section 117A(a)(2)  
6 of the Hazardous Materials Transportation Act (49 App.  
7 U.S.C. 1815(a)(2)) is amended by inserting “or Indian  
8 tribe” immediately after “State” each place it appears.

9 (c) COORDINATION OF PLANNING.—Section 117A(a)  
10 of the Hazardous Materials Transportation Act (49 App.  
11 U.S.C. 1815(a)) is amended by adding at the end the fol-  
12 lowing new paragraph:

13 “(4) COORDINATION OF PLANNING.—A State or  
14 Indian tribe receiving a grant under this subsection  
15 shall ensure that planning under the grant is coordi-  
16 nated with emergency planning conducted by adja-  
17 cent States and Indian tribes.”.

18 **SEC. 5. TRAINING CRITERIA FOR SAFE HANDLING AND**  
19 **TRANSPORTATION.**

20 Section 106(b)(3) of the Hazardous Materials Trans-  
21 portation Act (49 App. U.S.C. 1805(b)(3)) is amended—

22 (1) in the paragraph heading, by striking  
23 “EMERGENCY RESPONSE” and ~~insert~~ *inserting* in  
24 lieu thereof “EMPLOYEE”;

1           (2) by inserting “or duplicate” immediately  
2 after “conflict with”; and

3           (3) by striking all after “Labor relating to”  
4 through “(and amendments thereto) and” and in-  
5 serting in lieu thereof “hazard communication, and  
6 hazardous waste operations and emergency response,  
7 contained in part 1910 of title 29 of the Code of  
8 Federal Regulations (and amendments thereto) or”.

9 **SEC. 6. DISCLOSURE OF FEES LEVIED BY STATES, POLITI-**  
10 **CAL SUBDIVISIONS, AND INDIAN TRIBES.**

11           Section 112(b) of the Hazardous Materials Transpor-  
12 tation Act (49 App. U.S.C. 1811(b)) is amended—

13           (1) by inserting immediately after “(b) FEES.—  
14 ” the following heading:

15           “(1) RESTRICTION.—”; and

16           (2) by adding at the end the following new  
17 paragraph:

18           “(2) DISCLOSURE.—A State or political sub-  
19 division thereof or Indian tribe that levies a fee in  
20 connection with the transportation of hazardous ma-  
21 terials shall, upon the Secretary’s request, report to  
22 the Secretary on—

23           “(A) the basis on which the fee is levied  
24           upon persons involved in such transportation;

1           “(B) the purposes for which the revenues  
2           from the fee are used;

3           “(C) the annual total amount of the reve-  
4           nues collected from the fee; and

5           “(D) such other matters as the Secretary  
6           requests.”.

7   **SEC. 7. ANNUAL REPORT.**

8           Section 109 of the Hazardous Materials Transpor-  
9           tation Act (49 App. U.S.C. 1808(e)) is amended by strik-  
10          ing the first sentence and inserting in lieu thereof the fol-  
11          lowing: “The Secretary shall, once every 2 years, prepare  
12          and submit to the President for transmittal to the Con-  
13          gress a comprehensive report on the transportation of haz-  
14          ardous materials during the preceding 2 calendar years.”.

15   **SEC. 8. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.**

16          In implementing the Intelligent Vehicle-Highway Sys-  
17          tems Act of 1991 (23 U.S.C. 307 note), the Secretary of  
18          Transportation shall ensure that the National Intelligent  
19          Vehicle-Highway Systems Program addresses, in a com-  
20          prehensive and coordinated manner, the use of intelligent  
21          vehicle-highway system technologies to promote hazardous  
22          materials transportation safety. The Secretary of Trans-  
23          portation shall ensure that one or more operational tests  
24          funded under such Act shall promote such safety and ad-  
25          vance technology for providing information to persons who

1 provide emergency response to hazardous materials trans-  
2 portation incidents.

3 **SEC. 9. RAIL TANK CAR SAFETY.**

4 Not later than 1 year after the date of enactment  
5 of this Act, the Secretary of Transportation shall issue  
6 final regulations under the following:

7 (1) The rulemaking proceeding under Docket  
8 HM-175A entitled “Crashworthiness Protection Re-  
9 quirements for Tank Cars”.

10 (2) The rulemaking proceeding under Docket  
11 HM-201 entitled “Detection and Repair of Cracks,  
12 Pits, Corrosion, Lining Flaws, Thermal Protection  
13 Flaws and Other Defects of Tank Car Tanks”.

14 **SEC. 10. SAFE PLACEMENT OF TRAIN CARS.**

15 The Secretary of Transportation shall conduct a  
16 study of existing practices regarding the placement of cars  
17 on trains, with particular attention to the placement of  
18 cars that carry hazardous materials. In conducting the  
19 study, the Secretary shall consider whether such place-  
20 ment practices increase the risk of derailment, hazardous  
21 materials spills, or tank ruptures or have any other ad-  
22 verse effect on safety. The results of the study shall be  
23 submitted to Congress within 1 year after the date of en-  
24 actment of this Act.

1 **SEC. 11. GRADE CROSSING SAFETY.**

2 The Secretary of Transportation shall, within 6  
3 months after the date of enactment of this Act, amend  
4 regulations—

5 (1) under the Hazardous Materials Transpor-  
6 tation Act (49 App. U.S.C. 1801 et seq.) to prohibit  
7 the driver of a motor vehicle transporting hazardous  
8 materials in commerce, and

9 (2) under the Motor Carrier Safety Act of 1984  
10 (49 App. U.S.C. 2501 et seq.) to prohibit the driver  
11 of any commercial motor vehicle,  
12 from driving the motor vehicle onto a highway-rail grade  
13 crossing without having sufficient space to drive com-  
14 pletely through the crossing without stopping.

15 **SEC. 12. DRIVER'S RECORD OF DUTY STATUS.**

16 (a) IN GENERAL.—Not later than 6 months after the  
17 date of enactment of this Act, the Secretary of Transpor-  
18 tation shall promulgate regulations amending section  
19 395.8(k) of title 49, Code of Federal Regulations, to re-  
20 quire that any supporting document bearing on the record  
21 of duty status of a driver who operates a commercial  
22 motor vehicle—

23 (1) be ~~retained~~, *retained*, by the motor carrier  
24 using such driver, for at least 6 months following its  
25 receipt of such document; and

1           (2) include information identifying the driver  
2           and vehicle related to the document.

3           (b) DEFINITION.—In this section, the term “support-  
4           ing document” means any electronic or paper document  
5           or record generated in the normal course of business, in  
6           the provision of transportation by commercial motor vehi-  
7           cle, that could be used by a safety inspector or motor car-  
8           rier to verify the accuracy of entries in a driver’s record  
9           of duty status, including trip reports, pay slips, bills of  
10          lading or shipping papers, and receipts for fuel, lodging,  
11          and tolls.

12       **SEC. 13. SAFETY PERFORMANCE HISTORY OF NEW DRIV-**  
13                               **ERS.**

14          (a) AMENDMENT OF REGULATIONS.—Within 18  
15          months after the date of enactment of this Act, the Sec-  
16          retary of Transportation shall amend section 391.23 of  
17          title 49, Code of Federal Regulations, to—

18               (1) specify the safety information that must be  
19               sought under that section by a motor carrier with  
20               respect to a driver;

21               (2) require that such information be requested  
22               from former employers and that former employers  
23               furnish the requested information within 30 days  
24               after receiving the request; and

1           (3) ensure that the driver to whom such infor-  
2           mation applies has a reasonable opportunity to re-  
3           view and comment on the information.

4           (b) SAFETY INFORMATION.—The safety information  
5           required to be specified under subsection (a)(1) shall in-  
6           clude information on—

7           (1) any motor vehicle accidents in which the  
8           driver was involved during the preceding 3 years;

9           (2) any failure of the driver, during the preced-  
10          ing 3 years, to undertake or complete a rehabilita-  
11          tion program under section 12020 of the Commer-  
12          cial Motor Vehicle Safety Act of 1986 (49 App.  
13          U.S.C. 2701) after being found to have used, in vio-  
14          lation of law or Federal regulation, alcohol or a con-  
15          trolled substance;

16          (3) any use by the driver, during the preceding  
17          3 years, in violation of law or Federal regulation, of  
18          alcohol or a controlled substance subsequent to com-  
19          pleting such a rehabilitation program; and

20          (4) any other matters determined by the Sec-  
21          retary of Transportation to be appropriate and use-  
22          ful for determining the driver's safety performance.

23          (c) FORMER EMPLOYER.—For purposes of this sec-  
24          tion, a former employer is any person who employed the  
25          driver in the preceding 3 years.

1 **SEC. 14. RETENTION OF SHIPPING PAPERS.**

2 (a) AMENDMENT.—Section 105(g) of the Hazardous  
3 Materials Transportation Act (49 U.S.C. 1804(g)) is  
4 amended by adding at the end the following new para-  
5 graph:

6 “(5) RETENTION OF PAPERS.—After the haz-  
7 ardous material to which a shipping paper provided  
8 to a carrier under paragraph (1) applies is no longer  
9 in transportation, the person who provided the ship-  
10 ping paper and the carrier required to maintain it  
11 under paragraph (1) shall retain the paper at their  
12 respective principal places of business. Such person  
13 and carrier shall, upon request, make the shipping  
14 paper available to a Federal, State, or local govern-  
15 ment agency at reasonable times and locations.”.

16 (b) REGULATIONS.—Not later than 6 months after  
17 the date of enactment of this Act, the Secretary of Trans-  
18 portation shall issue regulations implementing the require-  
19 ments of paragraph (5) of section 105(g) of the Hazard-  
20 ous Materials Transportation Act, as added by subsection  
21 (a) of this section.

22 **SEC. 15. TOLL FREE NUMBER FOR REPORTING.**

23 The Secretary of Transportation shall establish a toll  
24 free “800” telephone number for transporters of hazard-  
25 ous materials and other individuals to report to the Sec-  
26 retary possible violations of the Hazardous Materials

1 Transportation Act (49 App. U.S.C. 1801 et seq.) or any  
2 order or regulation issued under this Act.

3 **SEC. 16. TECHNICAL CORRECTIONS.**

4 (a) AMENDMENTS RELATING TO PACKAGING.—(1)  
5 Sections 103(5)(B), 103(6)(A)(iii), and 109(c) of the Haz-  
6 ardous Materials Transportation Act (49 App. U.S.C.  
7 1802(5)(B), 1802(6)(A)(iii), 1808(c)) are each amended  
8 by striking “packages” and inserting in lieu thereof  
9 “packaging”.

10 (2) Sections 105(a)(3), 105(a)(4)(B)(v), 110(a)(1),  
11 and 120 of the Hazardous Materials Transportation Act  
12 (49 App. U.S.C. 1804(a)(3), 1804(a)(4)(B)(v),  
13 1809(a)(1), 1818) are each amended by striking “a pack-  
14 age” and inserting in lieu thereof “~~packaging~~”. “*a packag-*  
15 *ing*”.

16 (3) Sections 106(c)(1)(B) of the Hazardous Materials  
17 Transportation Act (49 App. U.S.C. 1805(c)(1)(B)) is  
18 amended—

19 (A) by striking “a bulk package” and inserting  
20 in lieu thereof “~~bulk~~ “*a bulk packaging*”; and

21 (B) by striking “the package” and inserting in  
22 lieu thereof “the bulk packaging”.

23 (b) OTHER.—(1) Section 105(a)(3) of the Hazardous  
24 Materials Transportation Act (49 App. U.S.C.

1 1804(a)(3)) is amended by inserting “hazardous mate-  
2 rials” immediately after “shipped”.

3 (2) Section 105(e)(1) of the Hazardous Materials  
4 Transportation Act (49 App. U.S.C. 1804(e)(1)) is  
5 amended by striking “or package” and inserting in lieu  
6 thereof “, package, or packaging (or a component of a con-  
7 tainer, package, or packaging)”.

8 **SEC. 17. EXEMPTION FROM HOURS OF SERVICE REQUIRE-**  
9 **MENTS.**

10 The Secretary of Transportation shall exempt farm-  
11 ers and retail farm supplies from the hours of service re-  
12 quirements contained in section 395.3 of title 49, Code  
13 of Federal Regulations, when such farmers and retail farm  
14 supplies are transporting farm supplies for agricultural  
15 purposes within a 50-mile radius of their distribution  
16 point during the crop-planting season.