

FHWA-1998-3706-7

PUBLIC LAW 103-311—AUG. 26, 1994

108 STAT. 1673

Public Law 103-311<sup>^</sup>  
103d Congress

An Act

To amend the Hazardous Materials Transportation Act to authorize appropriations for fiscal years 1994, 1995, 1996, and 1997, and for other purposes.

Aug 26, 1994  
[H.R. 2178]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**TITLE X—HAZARDOUS MATERIALS TRANSPORTATION  
ACT AMENDMENTS**

Hazardous  
Materials  
Transportation  
Authorization  
Act of 1994.  
49 USC 5101  
note.

**SEC. 101. SHORT TITLE.**

This title may be cited as the “Hazardous Materials Transportation Authorization Act of 1994”.

**SEC. 102. AMENDMENT OF TITLE 49, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 49, United States Code.

**SEC. 103. AUTHORIZATION OF APPROPRIATIONS.**

Section 5127(a) (relating to authorization of appropriations) is amended by striking out “the fiscal year ending September 30, 1993,” and inserting “fiscal year 1993, \$18,000,000 for fiscal year 1994, \$18,540,000 for fiscal year 1995, \$19,100,000 for fiscal year 1996, and \$19,670,000 for fiscal year 1997”.

**SEC. 104. EXEMPTIONS FROM REQUIREMENT TO FILE REGISTRATION STATEMENT.**

Section 5108(a) (relating to persons required to file) is amended by adding at the end the following new paragraph:

(4) The Secretary may waive the filing of a registration statement, or the payment of a fee, required under this subsection, or both, for any person not domiciled in the United States who solely offers hazardous materials for transportation to the United States from a place outside the United States if the country of which such person is a domiciliary does not require persons domiciled in the United States who solely offer hazardous materials for transportation to the foreign country from places in the United States to file registration statements, or to pay fees, for making such an offer.”

**SEC. 105. PLANNING GRANTS FOR INDIAN TRIBES.**

(a) AUTHORITY TO MAKE GRANTS.—Section 5116(a)(1) (relating to planning grants) is amended—

(1) by inserting “and Indian tribes” after “States” the first place it appears; and

(2) by striking “in a State and between States” and inserting “on lands under the jurisdiction of a State or Indian tribe, and between lands under the jurisdiction of a State or Indian tribe and lands of another State or Indian tribe”.

(b) **MAINTENANCE OF EFFORT.**—Section 5116(a)(2) (relating to planning grants) is amended—

(1) by inserting “or Indian tribe” after “State” the first and third places it appears;

(2) by striking “the State” the second place it appears;

(3) by inserting “the State or Indian tribe” before “certifies”; and

(4) by inserting “the State” before “agrees”.

(c) **COORDINATION OF PLANNING.**—Section 5116(a) (relating to planning grants in general) is amended by adding at the end the following new paragraph:

“(3) A State or Indian tribe receiving a grant under this subsection shall ensure that planning under the grant is coordinated with emergency planning conducted by adjacent States and Indian tribes.”.

**SEC. 106. TRAINING CRITERIA FOR SAFE HANDLING AND TRANSPORTATION.**

Section 5107(d) (relating to coordination of training requirements) is amended—

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

(2) by striking “hazardous waste operations and” and inserting “hazard communication, and hazardous waste operations, and”.

**SEC. 107. DISCLOSURE OF FEES LEVIED BY STATES, POLITICAL SUBDIVISIONS, AND INDIAN TRIBES.**

Section 5125(g) (relating to fees) is amended—

(1) by inserting “(1)” after “(g) FEES.--”; and

(2) by adding at the end the following:

“(2) A State or political subdivision thereof or Indian tribe that levies a fee in connection with the transportation of hazardous materials shall, upon the Secretary’s request, report to the Secretary on—

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

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

“(C) the annual total amount of the revenues collected from the fee; and

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

**SEC. 108. ANNUAL REPORT.**

Section 5121(e) (relating to annual report) is amended--

(1) by striking “Annual” in the subsection heading, and

(2) by striking the first sentence and inserting the following: “The Secretary shall, once every 2 years, prepare and submit to the President for transmittal to the Congress a comprehensive report on the transportation of hazardous materials during the preceding 2 calendar years.”.

Reports.

**SEC. 109. INTELLIGENT VEHICLE-HIGHWAY SYSTEMS.**

(a) IN GENERAL.--In implementing the Intelligent Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307 note), the Secretary of Transportation shall ensure that the National Intelligent Vehicle-Highway Systems Program addresses, in a comprehensive and coordinated manner, the use of intelligent vehicle-highway system **technologies** to promote hazardous materials transportation **safety**. The Secretary of Transportation shall ensure that 2 or more **operational** tests funded under such Act shall promote such safety and advance technology for providing information to persons who provide emergency response to hazardous materials transportation **incidents**.

Safety  
23 USC 307 note

hence and  
technology.  
Communications.

**(b) GRANTS FOR CERTAIN EMERGENCY RESPONSE INFORMATION TECHNOLOGIES.—**

(1) In carrying out one of the **operational** tests under subsection (a), the Secretary of Transportation may make **grants** to one or more persons, including a State or local government or department, agency, or instrumentality thereof, to demonstrate the feasibility of establishing and operating computerized telecommunications emergency response information **technologies** that are used—

(A) to identify the contents of shipments of hazardous materials transported by **motor carriers**;

(B) to permit retrieval of data on shipments of **hazardous** materials transported by motor carriers;

(C) to link systems that identify, store, and allow the retrieval of data for emergency response to incidents and accidents involving transportation of hazardous materials by motor carrier; and

(D) to provide information **to** facilitate responses to accidents and incidents involving hazardous materials shipments by motor carriers either directly or through linkage with other systems.

(2) Any project carried out with a grant under this subsection must involve two or more motor carriers of property. One of the motor carriers selected to participate in the project must be a **carrier** that transports mostly hazardous materials. The other motor carrier selected must be a regular-route common carrier that specializes in transporting less-than-truckload shipments. The motor carriers selected may be engaged in multimodal movements of hazardous **materials** with other motor **carriers**, rail carriers, or **water carriers**.

(3) To the maximum extent practicable, the Secretary of Transportation shall coordinate a project under this subsection with any existing Federal, State, and local government projects and private projects which **are** similar to the project under this subsection. The Secretary may require that a project under this subsection be carried out in conjunction with such similar Federal, State, and local government projects and private projects.

**SEC. 110. RAIL TANK CAR SAFETY.**

Regulations.

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



(1) The **rulemaking** proceeding under Docket HM-175A entitled "Crashworthiness Protection Requirements for Tank Cars".

(2) The **rulemaking** proceeding under Docket HM-201 entitled "Detection and Repair of Cracks, Pits, Corrosion, Lining Flaws, Thermal Protection Flaws and Other Defects of Tank Car Tanks".

49 USC 5103  
note.

**SEC. 111. SAFE PLACEMENT OF TRAIN CARS.**

The Secretary of Transportation shall conduct a study of **exist-**ing practices **regarding** the placement of cars on trains, with particular attention to the **placement** of cars that **carry** hazardous materials. In conducting the study, the Secretary **shall** consider whether such placement practices increase the risk of derailment, hazardous materials **spills**, or tank ruptures or have any other adverse effect on safety. The results of the study shall be submitted to Congress within 1 year after the date of enactment of this Act.

Regulations.

**SEC. 112. GRADE CROSSING SAFETY.**

The Secretary of **Transportation** shall, within 6 months after the date of enactment of this Act, amend regulations-

(1) under chapter 51 of title 49, United States Code (relating to transportation of hazardous **materials**), to prohibit the driver of a motor vehicle transporting hazardous materials in commerce, and

(2) under chapter 315 of such title (relating to motor **carrier** safety) to **prohibit** the driver of any **commercial** motor vehicle, from driving the motor vehicle onto a highway-rail grade crossing without having **sufficient** space to drive completely through the crossing without stopping.

Regulations.

**SEC. 113. DRIVER'S RECORD OF DUTY STATUS.**

(a) **IN GENERAL.**-

(1) The Secretary of Transportation shall prescribe regulations amending part 395 of title 49, Code of Federal Regulations, to **improve**-

(A) compliance by commercial motor vehicle drivers and motor carriers with hours of service requirements; and

(B) the effectiveness and efficiency of Federal and State enforcement officers reviewing such compliance.

Effective date.

(2) Such regulations shall be proposed not later than **12** months after the date of enactment of this Act and shall be issued and become effective not later than 18 months after such date of enactment. In **prescribing** the regulations, the Secretary of Transportation **shall** ensure that compliance can be achieved at a cost that is reasonable to drivers and motor carriers.

(b) **CONTENTS OF REGULATIONS.**-Such regulations shall include the following:

(1) A description of **identification** items (which include either driver name or vehicle number) that shall be part of a written or electronic document to enable such written or electronic document to be used by a motor carrier or by an enforcement officer as a **supporting** document to verify the accuracy of a driver's record of duty status.

(2) A provision specifying the number, type, and frequency of supporting documents that must be retained by a motor

carrier so as to allow **verification** of the accuracy of such documents at a reasonable cost, to the driver and the motor carrier, of record acquisition and retention.

(3) A provision specifying the period during which **supporting** documents shall be retained by the motor carrier. The period shall be at least 6 months from the date of a document's receipt.

(4) A provision to authorize, on a case-by-case basis, motor **carrier** self-compliance systems that ensure driver compliance with hours of service requirements and allow Federal and State enforcement **officers** the opportunity to conduct independent audits of such systems to validate compliance with section **395.8(k)** of title 49, Code of Federal Regulations (or successor regulations thereto). Such authorization **may** also be provided by the Secretary to a group of motor carriers that meet specific conditions that may be established by regulation by the Secretary and that are subject to audit by Federal and State enforcement officers.

(5) A provision to allow a waiver, on a case-by-case basis of certain requirements of section **395.8(k)** of title 49, Code of Federal Regulations (or successor regulations thereto), when sufficient supporting documentation is provided directly and at a satisfactory frequency to enforcement personnel by an intelligent vehicle-highway **system**, as defined by section 6059 of the Intelligent **Vehicle-Highway Systems Act of 1991 (23 U.S.C. 307)** note). Such **waiver may also be allowed** for a group of **motor carriers that meet specific conditions that may be** established by regulation by the Secretary.

(c) **SUPPORTING DOCUMENT DEFINED.**—For purposes of this section, a **supporting document** is any document **that** is generated or **received** by a motor carrier or commercial motor vehicle driver in the **normal** course of business that could be used, **as** produced or with additional identifying information, **to verify the accuracy** of a driver's record of duty status.

#### **SEC. 114. SAFETY PERFORMANCE HISTORY OF NEW DRIVERS.**

(a) **AMENDMENT OF REGULATIONS.**—Within 18 months after the date of enactment of this Act, the **Secretary** of Transportation shall amend section 391.23 of title 49, Code of Federal Regulations (or successor regulations thereto), **to—**

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

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

(3) **ensure that the driver to whom such information applies has a reasonable opportunity to review and comment on the information.**

(b) **SAFETY INFORMATION.**—The safety information required to be specified under subsection (a)(1) shall include information on—

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

(2) **any failure of the driver, during the preceding 3 years, to undertake or complete a rehabilitation program under section 31302 of title 49, United States Code (relating to limitation on the number of driver's licenses), after being found to**