



AMENDMENT NO. _____ Calendar No. _____

Purpose: To monitor industry-wide progress toward modifying tank cars used in high-hazard flammable train service, and for other purposes.

IN THE SENATE OF THE UNITED STATES—114th Cong., 1st Sess.

S. 1626

To reauthorize Federal support for passenger rail programs, improve safety, streamline rail project delivery, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. MANCHIN to the amendment (No. _____) proposed by Mr. THUNE

Viz:

1 At the end, add the following:

2 **SEC. 438. MODIFICATION REPORTING.**

3 (a) IN GENERAL.—Not later than 1 year after the
4 date of enactment of this Act, the Secretary shall imple-
5 ment a reporting requirement to monitor industry-wide
6 progress toward modifying tank cars used in high-hazard
7 flammable train service by the applicable deadlines or au-
8 thorization end dates set in regulation.

9 (b) TANK CAR DATA.—The Secretary shall collect
10 data from shippers and tank car owners on—

1 (1) the total number of tank cars modified to
2 meet the DOT-117R specification, or equivalent,
3 specifying—

4 (A) the type or specification of each tank
5 car before it was modified, including non-jack-
6 eted DOT-111, jacketed DOT-111, non-jack-
7 eted DOT-111 meeting the CPC-1232 stand-
8 ard, or jacketed DOT-111 meeting the CPC-
9 1232 standard; and

10 (B) the identification number of each Class
11 3 flammable liquid carried by each tank car in
12 the past year;

13 (2) the total number of tank cars built to meet
14 the DOT-117 specification, or equivalent; and

15 (3) the total number of tank cars used or likely
16 to be used in high-hazard flammable train service
17 that have not been modified, specifying—

18 (A) the type or specification of each tank
19 car not modified, including the non-jacketed
20 DOT-111, jacketed DOT-111, non-jacketed
21 DOT-111 meeting the CPC-1232 standard, or
22 jacketed DOT-111 meeting the CPC-1232
23 standard; and

1 (B) the identification number of each Class
2 3 flammable liquid carried by each tank car in
3 the past year.

4 (c) TANK CAR SHOP DATA.—The Secretary shall
5 conduct a survey of tank car facilities modifying tank cars
6 to the DOT-117R specification, or equivalent, or building
7 new tank cars to the DOT-117 specification, or equivalent,
8 to generate statistically-valid estimates of the expected
9 number of tank cars those facilities expect to modify to
10 DOT-117R specification, or equivalent, or build to the
11 DOT-117 specification, or equivalent.

12 (d) FREQUENCY.—The Secretary shall collect the
13 data under subsection (b) and conduct the survey under
14 subsection (c) annually until May 1, 2025.

15 (e) INFORMATION PROTECTIONS.—

16 (1) IN GENERAL.—The Secretary shall only re-
17 port data in industry-wide totals and shall treat
18 company-specific information as confidential busi-
19 ness information.

20 (2) LEVEL OF CONFIDENTIALITY.—The Sec-
21 retary shall ensure the data collected under sub-
22 section (b) and the survey data under subsection (c)
23 have the same level of confidentiality as contained in
24 the Confidential Information Protection and Statis-
25 tical Efficiency Act of 2002 (44 U.S.C. 3501 note),

1 as administered by the Bureau of Transportation
2 Statistics.

3 (3) SECTION 552(B)(3) OF TITLE 5.—Any infor-
4 mation that the Secretary obtains under subsection
5 (b) or subsection (e) by the Department of Trans-
6 portation shall be exempt from disclosure under sec-
7 tion 552(b)(3) of title 5.

8 (4) DESIGNEE.—The Secretary may designate
9 the Director of the Bureau of Transportation Statis-
10 tics to collect data under subsection (b) and the sur-
11 vey data under subsection (e) and direct the Direc-
12 tor to ensure the confidentiality of company-specific
13 information to the maximum extent permitted by
14 law.

15 (f) REPORT.—Each year, not later than 60 days after
16 the date that both the collection of the data under sub-
17 section (b) and the survey under subsection (e) are com-
18 plete, the Secretary shall report on the aggregate results,
19 without company-specific information, to—

20 (1) the Committee on Commerce, Science, and
21 Transportation of the Senate; and

22 (2) the Committee on Transportation and In-
23 frastructure of the House of Representatives.

24 (g) DEFINITIONS.—In this section:

1 (1) CLASS 3 FLAMMABLE LIQUID.—The term
2 “Class 3 flammable liquid” has the meaning given
3 the term in section 173.120(a) of title 49, Code of
4 Federal Regulations.

5 (2) HIGH-HAZARD FLAMMABLE TRAIN.—The
6 term “high-hazard flammable train” means a single
7 train transporting 20 or more tank cars loaded with
8 a Class 3 flammable liquid in a continuous block or
9 a single train transporting 35 or more tank cars
10 loaded with a Class 3 flammable liquid throughout
11 the train consist.