



AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—115th Cong., 2d Sess.**

**S. 3367**

To amend certain transportation-related reporting requirements to improve congressional oversight, reduce reporting burdens, and promote transparency, 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 IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. THUNE

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Department of Trans-  
5 portation Reports Harmonization Act”.

6 **SEC. 2. EFFECTIVE DATE.**

7 (a) IN GENERAL.—Except as provided in subsection  
8 (b), this Act takes effect on the date of enactment of this  
9 Act.

1 (b) DELAYED EFFECTIVE DATES.—Sections 6, 8,  
2 and 12 of this Act, and the amendments made by those  
3 sections, take effect on January 1, 2019.

4 **SEC. 3. PUBLIC AVAILABILITY OF CHARGES AND FEES FOR**  
5 **ATTENDANCE AT UNITED STATES MERCHANT**  
6 **MARINE ACADEMY.**

7 Section 51314 of title 46, United States Code, is  
8 amended by striking “shall notify Congress of” and insert-  
9 ing “shall present at the next meeting of the Board of  
10 Visitors, and post on a publicly available website,”.

11 **SEC. 4. PUBLIC AVAILABILITY OF INFORMATION ON ALIGN-**  
12 **ING FEDERAL ENVIRONMENTAL REVIEWS.**

13 Section 310(f)(1) of title 49, United States Code, is  
14 amended by inserting “, and make publicly available on  
15 the Department of Transportation website,” after “House  
16 of Representatives”.

17 **SEC. 5. PUBLIC AVAILABILITY OF INFORMATION ON UNI-**  
18 **VERSITY TRANSPORTATION CENTERS PRO-**  
19 **GRAM.**

20 Section 5505 of title 49, United States Code, is  
21 amended—

22 (1) in subsection (b)(5)(B), by inserting “, and  
23 make publicly available on the Department of Trans-  
24 portation website,” after “Senate”; and

1           (2) by amending subsection (d)(2)(B) to read  
2           as follows:

3                   “(B) make publicly available on the De-  
4                   partment of Transportation website a descrip-  
5                   tion of that review and evaluation.”.

6 **SEC. 6. PUBLIC AVAILABILITY OF REPORTS BY INSPECTOR**  
7                   **GENERAL OF DEPARTMENT OF TRANSPOR-**  
8                   **TATION.**

9           Section 6 of the Norman Y. Mineta Research and  
10          Special Programs Improvement Act (49 U.S.C. 108 note)  
11          is amended to read as follows:

12 **“SEC. 6. REPORTS.**

13           “Not later than 9 months after the date of enactment  
14          of the Department of Transportation Reports Harmoni-  
15          zation Act—

16                   “(1) the Secretary of Transportation shall make  
17                   publicly available a list of each statutory mandate  
18                   regarding pipeline safety or hazardous materials  
19                   safety that has not been implemented by—

20                           “(A) posting the list on the website of the  
21                           Department of Transportation;

22                           “(B) including the list in a regulatory  
23                           flexibility agenda under section 602 of title 5,  
24                           United States Code; or

1                   “(C) providing the list in a regulatory  
2                   planning document; and

3                   “(2) the Inspector General of the Department  
4                   of Transportation shall make publicly available on  
5                   the website of the Office of the Inspector General a  
6                   list of each open safety recommendation made by the  
7                   Inspector General regarding pipeline safety or haz-  
8                   ardous materials safety.”.

9   **SEC. 7. PUBLIC AVAILABILITY OF SECRETARY OF TRANS-**  
10                   **PORTATION'S RESPONSES TO SAFETY REC-**  
11                   **COMMENDATIONS.**

12                   (a) IN GENERAL.—Section 1135 of title 49, United  
13 States Code, is amended—

14                   (1) by amending subsection (a) to read as fol-  
15                   lows:

16                   “(a) SAFETY TRANSPORTATION RECOMMENDA-  
17 TIONS.—

18                   “(1) IN GENERAL.—Not later than 90 days  
19                   after the date that the Secretary of Transportation  
20                   receives a recommendation about transportation  
21                   safety from the National Transportation Safety  
22                   Board, the Secretary shall submit to the Board a  
23                   formal written response to the recommendation.

1           “(2) CONTENTS.—Each response under para-  
2           graph (1) shall indicate whether the Secretary in-  
3           tends—

4                   “(A) to carry out procedures to adopt the  
5           complete recommendation;

6                   “(B) to carry out procedures to adopt a  
7           part of the recommendation; or

8                   “(C) to refuse to carry out procedures to  
9           adopt the recommendation.”;

10          (2) by amending subsection (b) to read as fol-  
11          lows:

12          “(b) TIMETABLE FOR COMPLETING PROCEDURES  
13          AND REASONS FOR REFUSALS.—A response under—

14                   “(1) subparagraph (B) or subparagraph (C) of  
15           subsection (a)(2) shall include a copy of a proposed  
16           timetable for completing the procedures;

17                   “(2) subsection (a)(2)(B) shall detail the rea-  
18           sons for the refusal to carry out procedures on the  
19           remainder of the recommendation; and

20                   “(3) subsection (a)(2)(C) shall detail the rea-  
21           sons for the refusal to carry out procedures.”;

22                   (3) in subsection (c), by striking “a copy of  
23           each recommendation and response available to the  
24           public at reasonable cost” and inserting “publicly

1 available on its website each recommendation and  
2 response under subsection (a)”;

3 (4) in subsection (d)(2)(B), by striking “a re-  
4 sponse under subsection (a)(2) or (a)(3)” and in-  
5 sserting “a response under subparagraph (B) or sub-  
6 paragraph (C) of subsection (a)(2)”; and

7 (5) by striking subsection (e).

8 (b) ANNUAL REPORT.—Section 1117 of title 49,  
9 United States Code, is amended to read as follows:

10 **“§ 1117. Annual report**

11 “(a) IN GENERAL.—The National Transportation  
12 Safety Board shall submit the information described in  
13 subsection (b)—

14 “(1) in a report to Congress on July 1 of each  
15 year; or

16 “(2) as part of its annual budget.

17 “(b) CONTENTS.—The information described in this  
18 subsection includes—

19 “(1) a statistical and analytical summary of the  
20 transportation accident investigations conducted and  
21 reviewed by the Board during the prior calendar  
22 year;

23 “(2)(A) a survey and summary of the rec-  
24 ommendations made by the Board to reduce the like-

1       lihood of recurrence of those accidents together with  
2       the observed response to each recommendation; and

3               “(B) an appendix that includes, for each rec-  
4       ommendation that was made by the Board, remains  
5       open, and requires a response from the Secretary,  
6       the most recent observed response from the Sec-  
7       retary to such recommendation;

8               “(3) a detailed appraisal of the accident inves-  
9       tigation and accident prevention activities of other  
10       departments, agencies, and instrumentalities of the  
11       United States Government and State and local gov-  
12       ernmental authorities having responsibility for those  
13       activities under a law of the United States or a  
14       State;

15               “(4) a description of the activities and oper-  
16       ations of the National Transportation Safety Board  
17       Academy during the prior calendar year;

18               “(5) a list of accidents, during the prior cal-  
19       endar year, that the Board was required to inves-  
20       tigate under section 1131 but did not investigate  
21       and an explanation of why they were not inves-  
22       tigated; and

23               “(6) a list of ongoing investigations that have  
24       exceeded the expected time allotted for completion  
25       by Board order and an explanation for the addi-

1 tional time required to complete each such investiga-  
2 tion.”.

3 **SEC. 8. CONSISTENCY IN RESPONSE REQUIREMENTS TO**  
4 **NTSB SAFETY RECOMMENDATIONS.**

5 Section 19 of the Pipeline Safety Improvement Act  
6 of 2002 (49 U.S.C. 1135 note) is amended to read as fol-  
7 lows:

8 **“SEC. 19. NTSB SAFETY RECOMMENDATIONS.**

9 “The Secretary of Transportation, the Administrator  
10 of the Pipeline and Hazardous Materials Safety Adminis-  
11 tration, and the Director of the Office of Pipeline Safety  
12 shall fully comply with section 1135 of title 49, United  
13 States Code, to ensure timely responsiveness to National  
14 Transportation Safety Board recommendations about  
15 pipeline safety.”.

16 **SEC. 9. STREAMLINED REPORTING FOR THE NATIONAL**  
17 **MARITIME HERITAGE GRANTS PROGRAM.**

18 Section 308703(j) of title 54, United States Code, is  
19 amended to read as follows:

20 “(j) STATUS REPORTS.—The Secretary shall include  
21 in the annual budget submission of the Department of the  
22 Interior a description of the current status of the Pro-  
23 gram, including—



1           “(1) the total number of grant applications sub-  
2           mitted and approved under the Program in the prior  
3           fiscal year;

4           “(2) a description, including any results or any  
5           accomplishments, of each project funded under the  
6           Program in the prior fiscal year; and

7           “(3) recommended priorities for achieving the  
8           policy set forth in section 308701 of this title.”.

9   **SEC. 10. PERIODIC UPDATES TO HIGHWAY-RAIL CROSSING**  
10           **REPORTS AND PLANS.**

11           (a) HIGHWAY-RAIL GRADE CROSSING SAFETY.—

12           (1) IN GENERAL.—Section 11401 of the Fixing  
13           America’s Surface Transportation Act (49 U.S.C.  
14           24407 note) is amended—

15           (A) in subsection (b), by striking “(49  
16           U.S.C. 22501 note)” each place it appears and  
17           inserting “(49 U.S.C. 24407 note)”;

18           (B) by striking subsection (e); and

19           (C) by redesignating subsections (d) and  
20           (e) as subsections (c) and (d), respectively.

21           (2) REPORTS ON HIGHWAY-RAIL GRADE CROSS-  
22           ING SAFETY.—

23           (A) IN GENERAL.—Chapter 201 of title  
24           49, United States Code, is amended by insert-  
25           ing after section 20166 the following:

1 **“§ 20167. Reports on highway-rail grade crossing**  
2 **safety**

3 “(a) REPORT.—Not later than 2 years after the dead-  
4 line for States to submit State highway-rail grade crossing  
5 action plans under section 11401(b) of the Fixing Amer-  
6 ica’s Surface Transportation Act (49 U.S.C. 24407 note),  
7 the Administrator of the Federal Railroad Administration,  
8 in consultation with the Administrator of the Federal  
9 Highway Administration, shall submit to the Committee  
10 on Commerce, Science, and Transportation of the Senate  
11 and the Committee on Transportation and Infrastructure  
12 of the House of Representatives a report on the State  
13 highway-rail grade crossing action plans, including—

14 “(1) an analysis and evaluation of each State  
15 railway-highway crossings program under section  
16 130 of title 23, including—

17 “(A) compliance with section 11401 of the  
18 Fixing America’s Surface Transportation Act  
19 (49 U.S.C. 24407 note) and section 130(g) of  
20 title 23; and

21 “(B) the specific strategies identified by  
22 each State to improve safety at highway-rail  
23 grade crossings, including crossings with mul-  
24 tiple accidents or incidents;

25 “(2) the progress of each State in implementing  
26 its State highway-rail grade crossing action plan;

1           “(3) the number of projects undertaken under  
2           section 130 of title 23, including their distribution  
3           by cost range, road system, nature of treatment, and  
4           subsequent accident experience at improved loca-  
5           tions;

6           “(4) each State that is not in compliance with  
7           its schedule of projects under section 130(d) of title  
8           23; and

9           “(5) any recommendations for future implemen-  
10          tation of the railroad highway crossings program  
11          under section 130 of title 23.

12          “(b) UPDATES.—Not later than 5 years after the  
13          date the report under subsection (a) is submitted, the Ad-  
14          ministrators of the Federal Railroad Administration, in  
15          consultation with the Administrator of the Federal High-  
16          way Administration, shall—

17               “(1) update the report based on the State re-  
18               ports submitted under section 130(g) of title 23 and  
19               any other information obtained by or available to the  
20               Administrator of the Federal Railroad Administra-  
21               tion; and

22               “(2) submit the updated report to the Com-  
23               mittee on Commerce, Science, and Transportation of  
24               the Senate and the Committee on Transportation  
25               and Infrastructure of the House of Representatives.

1 “(c) DEFINITIONS.—In this section:

2 “(1) HIGHWAY-RAIL GRADE CROSSING.—The  
3 term ‘highway-rail grade crossing’ means a location  
4 within a State, other than a location where 1 or  
5 more railroad tracks cross 1 or more railroad tracks  
6 at grade, where—

7 “(A) a public highway, road, or street, or  
8 a private roadway, including associated side-  
9 walks and pathways, crosses 1 or more railroad  
10 tracks either at grade or grade-separated; or

11 “(B) a pathway explicitly authorized by a  
12 public authority or a railroad carrier that is  
13 dedicated for the use of non-vehicular traffic,  
14 including pedestrians, bicyclists, and others,  
15 that is not associated with a public highway,  
16 road, or street, or a private roadway, crosses 1  
17 or more railroad tracks either at grade or  
18 grade-separated.

19 “(2) STATE.—The term ‘State’ means a State  
20 of the United States or the District of Columbia.”.

21 (B) TABLE OF CONTENTS.—The table of  
22 contents of chapter 201 of title 49, United  
23 States Code, is amended by inserting after the  
24 item relating to section 20166 the following:

“20167. Reports on highway-rail grade crossing safety.”.

1 (b) IN GENERAL.—Section 130(g) of title 23, United  
2 States Code, is amended to read as follows:

3 “(g) ANNUAL REPORT.—

4 “(1) IN GENERAL.—Not later than December  
5 30 of each year, each State shall submit to the Ad-  
6 ministrator of the Federal Highway Administration  
7 a report on the progress being made to implement  
8 the railway-highway crossings program authorized  
9 by this section and the effectiveness of such improve-  
10 ments.

11 “(2) CONTENTS.—Each State report shall con-  
12 tain an assessment of the costs of the various treat-  
13 ments employed and subsequent accident experience  
14 at improved locations.

15 “(3) COORDINATION.—The Administrator of  
16 the Federal Highway Administration shall make  
17 available to the Administrator of the Federal Rail-  
18 road Administration each report submitted under  
19 paragraph (1).”.

20 **SEC. 11. UPDATES TO HAZARDOUS MATERIALS GRANT PRO-**  
21 **GRAMS AND REPORTS.**

22 (a) PLANNING AND TRAINING GRANTS, MONI-  
23 TORING, AND REVIEW.—Section 5116(j) of title 49,  
24 United States Code, is amended to read as follows:

25 “(j) LIST OF GRANTS.—

1           “(1) IN GENERAL.—Not later than 120 days  
2 after the date of enactment of the Department of  
3 Transportation Reports Harmonization Act, and an-  
4 nually thereafter, the Secretary shall—

5                   “(A) compile a list of the grants made—

6                           “(i) under subsections (a) and (i) of  
7 this section; and

8                           “(ii) under subsections (e) and (i) of  
9 section 5107; and

10                   “(B) make the list publicly available on the  
11 Department of Transportation website, includ-  
12 ing—

13                           “(i) the identity of all final recipients  
14 of such grants;

15                           “(ii) the allocation and uses of such  
16 grants; and

17                           “(iii) information on the effects of  
18 such grants, such as the number of per-  
19 sons trained, by training level.”.

20           (b) BIENNIAL REPORT ON TRANSPORTATION OF  
21 HAZARDOUS MATERIALS.—Section 5121 of title 49,  
22 United States Code, is amended by striking subsection (h)  
23 and inserting the following:

24                   “(h) COMPILATION OF ACCIDENTS AND CASUAL-  
25 TIES.—The Secretary shall make publicly available on the

1 Department of Transportation website, and update at  
2 least biennially, a statistical compilation of accidents and  
3 casualties related to the transportation of hazardous mate-  
4 rial.

5 “(i) BUDGET SUBMISSION.—The Secretary shall in-  
6 clude in the annual budget submission of the Department  
7 of Transportation—

8 “(1) an evaluation of the effectiveness of en-  
9 forcement activities relating to a function regulated  
10 by the Secretary under section 5103(b)(1); and

11 “(2) a summary of outstanding problems in  
12 carrying out this chapter, in order of priority.”.

13 (c) DISCLOSURE OF AGENCY ACTION.—Section  
14 5117(g) of title 49, United States Code, is amended to  
15 read as follows:

16 “(g) DISCLOSURE OF AGENCY ACTION.—The Sec-  
17 retary shall—

18 “(1) periodically, but at least every 120 days—

19 “(A) publish in the Federal Register notice  
20 of the final disposition of each application for a  
21 new special permit, modification to an existing  
22 special permit, or approval during the preceding  
23 quarter; and

24 “(B) make available to the public on the  
25 Department of Transportation website—

1 “(i) notice of the final disposition of  
2 any other special permit during the pre-  
3 ceding quarter;

4 “(ii) a list of special permits in effect;  
5 and

6 “(iii) a summary of the basis for each  
7 special permit; and

8 “(2) make available to the public on the De-  
9 partment of Transportation website, and update at  
10 least biennially, a list and summary of applicable  
11 Government regulations, criteria, orders, guidance,  
12 and special permits relating to the transportation of  
13 hazardous materials.”.

14 **SEC. 12. ELIMINATING UNNECESSARY REPORTING RE-**  
15 **QUIREMENTS FOR THE REGIONAL INFRA-**  
16 **STRUCTURE ACCELERATOR DEMONSTRA-**  
17 **TION PROGRAM.**

18 Section 1441(e) of the Fixing America’s Surface  
19 Transportation Act (23 U.S.C. 601 note) is amended to  
20 read as follows:

21 “(e) ANNUAL REPORT.—Each fiscal year that funds  
22 are made available to carry out the program, the Secretary  
23 shall submit to Congress, not later than 30 days after the  
24 date that fiscal year ends, a report that describes the find-  
25 ings and effectiveness of the program.”.



1 **SEC. 13. CONSOLIDATED REPORTING ON STATUTORY MAN-**  
2 **DATES AND RECOMMENDATIONS.**

3 Section 106 of the Rail Safety Improvement Act of  
4 2008 (49 U.S.C. 20101 note) is amended to read as fol-  
5 lows:

6 **“SEC. 106. REPORTS ON STATUTORY MANDATES AND REC-**  
7 **COMMENDATIONS.**

8 “The Secretary shall—

9 “(1) not later than 1 year after the date of en-  
10 actment of the Department of Transportation Re-  
11 ports Harmonization Act, describe the actions the  
12 Secretary has taken to implement unmet statutory  
13 mandates regarding railroad safety;

14 “(2) update the description under paragraph  
15 (1) not less than annually; and

16 “(3) make the description, including any up-  
17 dates thereto, available by—

18 “(A) posting the description on the website  
19 of the Department of Transportation;

20 “(B) including the description in the regu-  
21 latory flexibility agenda under section 602 of  
22 title 5, United States Code; or

23 “(C) providing the description in a regu-  
24 latory planning document.”.

1 **SEC. 14. REPORTING ON THE NORTHEAST CORRIDOR.**

2 (a) NORTHEAST CORRIDOR SAFETY COMMITTEE RE-  
3 PORT.—Section 24905(e) of title 49, United States Code,  
4 is amended by striking paragraph (3).

5 (b) CONTENTS OF GRANT REQUESTS.—

6 (1) IN GENERAL.—Section 24319(c) of title 49,  
7 United States Code, is amended—

8 (A) in paragraph (2), by striking “; and”  
9 and inserting a semicolon;

10 (B) in paragraph (3), by striking the pe-  
11 riod at the end and inserting “; and”; and

12 (C) by adding at the end the following:

13 “(4) describe the status of efforts to improve  
14 safety and security on the Northeast Corridor main  
15 line, including a description of any efforts to imple-  
16 ment recommendations of relevant railroad safety  
17 advisory committees.”.

18 (2) RULE OF CONSTRUCTION.—Nothing in this  
19 subsection or an amendment made by this sub-  
20 section shall affect a grant request made under sec-  
21 tion 24319 of title 49, United States Code, before  
22 the date of enactment of this Act.

23 **SEC. 15. IN-VEHICLE ALCOHOL DETECTION DEVICE RE-**  
24 **SEARCH REPORTS.**

25 Section 403 of title 23, United States Code, is  
26 amended—

1 (1) in subsection (f)(1), by striking “subsection  
2 402(c)” and inserting “section 402(c)”; and

3 (2) in subsection (h)(4), in the matter pre-  
4 ceeding subparagraph (A), by striking “submit an an-  
5 nual report” and inserting “submit a biennial re-  
6 port”.

7 **SEC. 16. HIGHWAY SAFETY PROGRAMS REPORT TO CON-**  
8 **GRESS.**

9 (a) DOT REPORTS.—Section 402 of title 23, United  
10 States Code, is amended by striking subsection (n) and  
11 inserting the following:

12 “(n) PUBLIC TRANSPARENCY.—The Secretary shall  
13 publicly release on its website information that contains  
14 each State’s performance with respect to the State’s high-  
15 way safety plan under subsection (k) and performance tar-  
16 gets set by the States in such plans. Such information  
17 shall be posted on the website within 45 calendar days  
18 of approval of a State’s highway safety plan.”.

19 (b) GAO REPORT.—

20 (1) IN GENERAL.—The Comptroller General of  
21 the United States shall conduct a review of the high-  
22 way safety programs under section 402 of title 23,  
23 United States Code. In carrying out the review, the  
24 Comptroller General shall review States’ progress in  
25 achieving safety performance targets, including how

1 States are utilizing grants and problems encountered  
2 in achieving such targets.

3 (2) SUBMISSION.—Not later than 2 years after  
4 the date of enactment of this Act, the Comptroller  
5 General of the United States shall submit a report  
6 to the Committee on Commerce, Science, and Trans-  
7 portation of the Senate and Committee on Transpor-  
8 tation and Infrastructure of the House of Represent-  
9 atives that contains the results of the study con-  
10 ducted under paragraph (1), including any rec-  
11 ommendations for improvements to State activities  
12 and the Secretary of Transportation’s administration  
13 of the highway safety programs.

14 **SEC. 17. WAIVER NOTIFICATION AND ANNUAL REPORTS.**

15 Section 117(b) of the SAFETEA–LU Technical Cor-  
16 rections Act of 2008 (23 U.S.C. 313 note) is amended  
17 by striking “submit to the Committee on Transportation  
18 and Infrastructure of the House of Representatives and  
19 the Committee on Environment and Public Works of the  
20 Senate a” and inserting “make publicly available on the  
21 Department of Transportation website an annual”.

1 **SEC. 18. CESSATION OF CERTAIN ADVISORY COUNCILS AND**  
2 **ADVISORY COMMITTEES.**

3 (a) ADVISORY COUNCIL ON TRANSPORTATION STA-  
4 TISTICS.—Section 6305 of title 49, United States Code,  
5 is amended by adding at the end the following:

6 “(f) SUNSET.—The advisory council established  
7 under this section ceases to exist effective January 1,  
8 2019.”.

9 (b) NORTHEAST CORRIDOR SAFETY COMMITTEE.—  
10 Section 24905(e) of title 49, United States Code, is  
11 amended by striking paragraphs (2) and (3) and inserting  
12 the following:

13 “(2) SUNSET.—The Committee established  
14 under this subsection ceases to exist on the date that  
15 the Secretary determines positive train control, as  
16 required by section 20157, is fully implemented  
17 along the Northeast Corridor.”.

18 (c) NATIONAL RAIL COOPERATIVE RESEARCH PRO-  
19 GRAM OVERSIGHT COMMITTEE.—Section 24910(c) of title  
20 49, United States Code, is amended by adding at the end  
21 the following:

22 “(3) SUNSET.—The advisory board established  
23 under this subsection ceases to exist effective Janu-  
24 ary 1, 2019.”.