

## **President Obama signs bill to create jobs, restore America's transportation system**

On the afternoon of July 6, [President Obama signed legislation](#) that will put thousands of construction workers on jobsites across the country and supports our commitment to restoring America's infrastructure.

This transportation bill, Moving Ahead for Progress in the 21st Century ([MAP-21](#)), will sustain our Highway Trust Fund and provide states and communities with two years of steady funding to build needed roads, bridges, and transit systems. It also builds on DOT's efforts to improve safety across all forms of transportation and to make progress on transportation alternatives.

[Title III --Hazardous Materials Transportation Safety Improvement Act of 2012](#), focuses on the safe transportation of hazardous materials by all modes of transportation and provides resources to the Pipeline and Hazardous Materials Safety Administration to continue to carry out its critical safety mission. Below are highlights of Title III.

### **Training Programs**

*Training for Emergency Responders* – The bill includes provisions to improve training for emergency responders and hazardous material inspectors and investigators. For emergency responder training, the bill ensures that the emergency responder and hazmat employee training grants are awarded through a competitive process. It also directs a training grant recipient (State or Indian Tribe) to certify that the training that is provided will give the emergency responders the ability to competently respond to hazmat accidents and incidents in accordance with existing regulations or National Fire Protection Association standards. The training may be accomplished through a portable training model. Here, “portable training” means live, instructor-led training provided by certified fire service instructors that can be offered in any suitable setting, rather than specific designated facilities. Under this training delivery model, instructors travel to locations convenient to students and utilize local facilities and resources.

*Hazardous Material Enforcement Training* – The bill authorizes the Secretary to create an enforcement training program that establishes uniform performance standards for hazmat inspectors and investigators. The program will include the development of guidelines, best practices, and standard protocols. The bill contains a mandate that the program’s standards and guidelines will be mandatory for DOT multimodal personnel conducting hazmat inspections and investigations and State employees who conduct federally funded hazmat compliance reviews, inspections, or investigations.

### **Data Collection and Research**

*Paperless Hazard Communications Pilot Program* – This is a free-standing provision granting the Secretary the authority to conduct pilot projects to evaluate the feasibility and effectiveness of using paperless hazard communications systems. It requires the Secretary to report to Congress, no later than 2 years after the date of enactment, the results of the pilot projects and the Secretary’s recommendation on whether paperless hazard communications systems should be

permanently incorporated into the hazmat regulations. The term “paperless hazard communications system” means the use of advanced communications methods, such as wireless communications devices, to convey hazard information between all parties in the transportation chain, including emergency responders and law enforcement personnel. The format of communication may be equivalent to that used by the carrier.

*Improving Data Collection, Analysis, and Reporting* – This is a free-standing requirement directing the Secretary to conduct an assessment of the methods used by PHMSA for collecting, analyzing, and reporting hazmat accidents and incidents. And, it requires the Secretary to develop an action plan and timeline for improving PHMSA’s collection, analysis, reporting, and use of data. The provision sets an expedited timeline, with the assessment due not later than 6 months after the date of enactment, and the action plan is due in 9 months. Upon completion of the action plan and timeline, the Secretary must submit them to Congress within 15 days.

*Hazardous Material Technical Assessment, Research and Development, and Analysis Program* – This is a program authorizing the Secretary to develop and implement a program for the purposes of reducing the risks associated with transporting hazmat and identifying and evaluating new technologies to facilitate safe, secure, and efficient transportation of hazmat. It requires the Secretary to coordinate with modal administrations and to work cooperatively with regulated and other entities.

### **Transportation Safety**

*Inspections* – This provision consists of a free-standing component and an amendment to the Administrative section. It mandates that the Secretary conduct rulemaking, not later than 1 year after the date of enactment, to address the resumption of transportation of perishable hazardous material after inspection, the appropriate training and equipment for inspectors, and the closing of packages after opening for inspection.

*Highway Routing Disclosures* – This provision mandates new state responsibilities relating to highway routing disclosures, including submitting to the Secretary (FMCSA), at least once every 2 years and not later than 60 days after a route is established, amended, or discontinued, the name of the responsible State agency, and a list of currently effective route designations.

*Wetlines* – This is a free-standing provision mandating that the United States Government Accountability Office (GAO) evaluate and report on the safety of transporting flammable liquids in the external product piping of cargo tank motor vehicles (wetlines). It sets out the factors that GAO should consider in its evaluation. It also prohibits PHMSA from issuing a final rule on wetlines before the completion of the evaluation, or 2 years after the date of enactment, whichever is earlier. There is, however, an imminent hazard exception to the rulemaking prohibition.

### **Special Permits**

*Special Permits, Approvals, and Exclusions* – This provision consists of a free-standing component and an amendment to the special permits, approvals, and exclusions section. The

free-standing provision mandates that the Secretary conduct rulemaking, not later than 2 years after the date of enactment, to establish standard operating procedures and objective criteria for the handling of special permits and approvals. It also mandates that the Secretary, not later than 1 year after the date of enactment, conduct an initial review and analysis of special permits that have been in continuous effect for a 10-year period for possible incorporation into the regulations. It sets a 3 year timeline for the Secretary to issue regulations incorporating into the regulations any special permits identified in the review. To ensure ongoing review of special permits, the review and analysis requirement is added to the existing special permits, approvals, and exclusions section. The review and analysis must be conducted not later than 1 year after the date on which a special permit has been in continuous effect for a 10-year period. The Secretary shall either initiate rulemaking to incorporate any special permits identified in the review, or publish in the Federal Register the Secretary's justification for why the special permit is not appropriate for incorporation into the regulations.

### **Motor Carrier Safety Permits**

*Motor Carrier Safety Permits* – This is a free-standing provision directing the Secretary (FMCSA) to conduct a study and submit a report on the implementation of the hazardous material safety permit program. In conducting the study, the Secretary must consider factors, including the list of hazmat requiring a safety permit, the number of permits issued, denied, revoked, or suspended since inception of the program, the criteria used by FMCSA to determine whether a hazmat safety permit issued by a State is equivalent to the federal permit, and areas for improvement. It mandates, not later than 2 years after the date of enactment, rulemaking to improve the program, or publish in the Federal Register the Secretary's justification for why rulemaking is not necessary.

### **Strengthening Enforcement**

*Civil Penalties* – The bill removes the minimum civil penalty requirement. It strengthens the Secretary's ability to enforce the hazmat law and regulations by making it a violation when a person refuses to grant access to authorized enforcement personnel. Also, it mandates, not later than 2 years after the date of enactment, that the Secretary issue regulations to prohibit hazmat operations if a person does not pay civil penalties.