

115TH CONGRESS
2D SESSION

S. 3367

To amend certain transportation-related reporting requirements to improve congressional oversight, reduce reporting burdens, and promote transparency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 22, 2018

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

A BILL

To amend certain transportation-related reporting requirements to improve congressional oversight, reduce reporting burdens, and promote transparency, 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 “Department of Trans-
5 portation Reports Harmonization Act”.

1 **SEC. 2. EFFECTIVE DATE.**

2 (a) IN GENERAL.—Except as provided in subsection
3 (b), this Act takes effect on the date of enactment of this
4 Act.

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

8 **SEC. 3. PUBLIC AVAILABILITY OF CHARGES AND FEES FOR**
9 **ATTENDANCE AT UNITED STATES MERCHANT**
10 **MARINE ACADEMY.**

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

15 **SEC. 4. PUBLIC AVAILABILITY OF INFORMATION ON ALIGN-**
16 **ING FEDERAL ENVIRONMENTAL REVIEWS.**

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

21 **SEC. 5. PUBLIC AVAILABILITY OF INFORMATION ON UNI-**
22 **VERSITY TRANSPORTATION CENTERS PRO-**
23 **GRAM.**

24 Section 5505 of title 49, United States Code, is
25 amended—

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

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

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

9 **SEC. 6. PUBLIC AVAILABILITY OF REPORTS BY INSPECTOR**
 10 **GENERAL OF DEPARTMENT OF TRANSPOR-**
 11 **TATION.**

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

15 **“SEC. 6. REPORTS.**

16 “Not later than 9 months after the date of enactment
 17 of the Department of Transportation Reports Harmoni-
 18 zation Act—

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

23 “(A) posting the list on the website of the
 24 Department of Transportation;

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

4 “(C) providing the list in a regulatory
5 planning document; and

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

12 **SEC. 7. PUBLIC AVAILABILITY OF SECRETARY OF TRANS-**
13 **PORTATION’S RESPONSES TO SAFETY REC-**
14 **COMMENDATIONS.**

15 Section 1135 of title 49, United States Code, is
16 amended—

17 (1) by amending subsection (a) to read as fol-
18 lows:

19 “(a) SAFETY TRANSPORTATION RECOMMENDA-
20 TIONS.—

21 “(1) IN GENERAL.—Not later than 90 days
22 after the date that the Secretary of Transportation
23 receives a recommendation about transportation
24 safety from the National Transportation Safety

1 Board, the Secretary shall submit to the Board a
2 formal written response to the recommendation.

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

6 “(A) to carry out procedures to adopt the
7 complete recommendation;

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

10 “(C) to refuse to carry out procedures to
11 adopt the recommendation.”;

12 (2) by amending subsection (b) to read as fol-
13 lows:

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

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

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

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

24 (3) in subsection (c), by striking “a copy of
25 each recommendation and response available to the

1 public at reasonable cost” and inserting “publicly
2 available on its website each recommendation and
3 response under subsection (a)”;

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

8 (5) by striking subsection (e).

9 **SEC. 8. CONSISTENCY IN RESPONSE REQUIREMENTS TO**
10 **NTSB SAFETY RECOMMENDATIONS.**

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

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

15 “The Secretary of Transportation, the Administrator
16 of the Pipeline and Hazardous Materials Safety Adminis-
17 tration, and the Director of the Office of Pipeline Safety
18 shall fully comply with section 1135 of title 49, United
19 States Code, to ensure timely responsiveness to National
20 Transportation Safety Board recommendations about
21 pipeline safety.”.

22 **SEC. 9. STREAMLINED REPORTING FOR THE NATIONAL**
23 **MARITIME HERITAGE GRANTS PROGRAM.**

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

1 “(j) STATUS REPORTS.—The Secretary shall include
2 in the annual budget submission of the Department of the
3 Interior a description of the current status of the Pro-
4 gram, including—

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

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

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

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

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

16 (1) IN GENERAL.—Section 11401 of the Fixing
17 America’s Surface Transportation Act (49 U.S.C.
18 24407 note) is amended—

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

22 (B) by striking subsection (c); and

23 (C) by redesignating subsections (d) and
24 (e) as subsections (c) and (d), respectively.

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

3 (A) IN GENERAL.—Chapter 201 of title
4 49, United States Code, is amended by insert-
5 ing after section 20166 the following:

6 **“§ 20167. Reports on highway-rail grade crossing**
7 **safety**

8 “(a) REPORT.—Not later than 18 months after the
9 deadline for States to submit State highway-rail grade
10 crossing action plans under section 11401(b) of the Fixing
11 America’s Surface Transportation Act (49 U.S.C. 24407
12 note), the Administrator of the Federal Railroad Adminis-
13 tration, in consultation with the Administrator of the Fed-
14 eral Highway Administration, shall submit to the Com-
15 mittee on Commerce, Science, and Transportation of the
16 Senate and the Committee on Transportation and Infra-
17 structure of the House of Representatives a report on the
18 State highway-rail grade crossing action plans, includ-
19 ing—

20 “(1) an analysis and evaluation of each State
21 railway-highway crossings program under section
22 130 of title 23, including—

23 “(A) compliance with section 11401 of the
24 Fixing America’s Surface Transportation Act

1 (49 U.S.C. 24407 note) and section 130(g) of
2 title 23; and

3 “(B) the specific strategies identified by
4 each State to improve safety at highway-rail
5 grade crossings, including crossings with mul-
6 tiple accidents or incidents;

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

9 “(3) the number of projects undertaken under
10 section 130 of title 23, including their distribution
11 by cost range, road system, nature of treatment, and
12 subsequent accident experience at improved loca-
13 tions;

14 “(4) each State that is not in compliance with
15 its schedule of projects under section 130(d) of title
16 23; and

17 “(5) any recommendations for future implemen-
18 tation of the railroad highway crossings program
19 under section 130 of title 23.

20 “(b) UPDATES.—Not later than 5 years after the
21 date the report under subsection (a) is submitted, the Ad-
22 ministrator of the Federal Railroad Administration, in
23 consultation with the Administrator of the Federal High-
24 way Administration, shall—

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

6 “(2) submit the updated report to the Com-
7 mittee on Commerce, Science, and Transportation of
8 the Senate and the Committee on Transportation
9 and Infrastructure of the House of Representatives.

10 “(c) DEFINITIONS.—In this section:

11 “(1) HIGHWAY-RAIL GRADE CROSSING.—The
12 term ‘highway-rail grade crossing’ means a location
13 within a State, other than a location where 1 or
14 more railroad tracks cross 1 or more railroad tracks
15 at grade, where—

16 “(A) a public highway, road, or street, or
17 a private roadway, including associated side-
18 walks and pathways, crosses 1 or more railroad
19 tracks either at grade or grade-separated; or

20 “(B) a pathway explicitly authorized by a
21 public authority or a railroad carrier that is
22 dedicated for the use of non-vehicular traffic,
23 including pedestrians, bicyclists, and others,
24 that is not associated with a public highway,
25 road, or street, or a private roadway, crosses 1

1 or more railroad tracks either at grade or
2 grade-separated.

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

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

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

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

11 “(g) ANNUAL REPORT.—

12 “(1) IN GENERAL.—Not later than December
13 30 of each year, each State shall submit to the Ad-
14 ministrator of the Federal Highway Administration
15 a report on the progress being made to implement
16 the railway-highway crossings program authorized
17 by this section and the effectiveness of such improve-
18 ments.

19 “(2) CONTENTS.—Each State report shall con-
20 tain an assessment of the costs of the various treat-
21 ments employed and subsequent accident experience
22 at improved locations.

23 “(3) COORDINATION.—The Administrator of
24 the Federal Highway Administration shall make
25 available to the Administrator of the Federal Rail-

1 road Administration each report submitted under
2 paragraph (1).”.

3 **SEC. 11. UPDATES TO HAZARDOUS MATERIALS GRANT PRO-**
4 **GRAMS AND REPORTS.**

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

8 “(j) LIST OF GRANTS.—

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

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

14 “(i) under subsections (a) and (i) of
15 this section; and

16 “(ii) under subsections (e) and (i) of
17 section 5107; and

18 “(B) make the list publicly available on the
19 Department of Transportation website, includ-
20 ing—

21 “(i) the identity of all final recipients
22 of such grants;

23 “(ii) the allocation and uses of such
24 grants; and

1 “(iii) information on the effects of
2 such grants, such as the number of per-
3 sons trained, by training level.”.

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

8 “(h) COMPILATION OF ACCIDENTS AND CASUAL-
9 TIES.—The Secretary shall make publicly available on the
10 Department of Transportation website, and update at
11 least biennially, a statistical compilation of accidents and
12 casualties related to the transportation of hazardous mate-
13 rial.

14 “(i) BUDGET SUBMISSION.—The Secretary shall in-
15 clude in the annual budget submission of the Department
16 of Transportation—

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

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

22 (c) DISCLOSURE OF AGENCY ACTION.—Section
23 5117(g) of title 49, United States Code, is amended to
24 read as follows:

1 “(g) DISCLOSURE OF AGENCY ACTION.—The Sec-
2 retary shall—

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

4 “(A) publish in the Federal Register notice
5 of the final disposition of each application for a
6 new special permit, modification to an existing
7 special permit, or approval during the preceding
8 quarter; and

9 “(B) make available to the public on the
10 Department of Transportation website—

11 “(i) notice of the final disposition of
12 any other special permit during the pre-
13 ceding quarter;

14 “(ii) a list of special permits in effect;
15 and

16 “(iii) a summary of the basis for each
17 special permit; and

18 “(2) make available to the public on the De-
19 partment of Transportation website, and update at
20 least biennially, a list and summary of applicable
21 Government regulations, criteria, orders, guidance,
22 and special permits relating to the transportation of
23 hazardous materials.”.

1 **SEC. 12. ELIMINATING UNNECESSARY REPORTING RE-**
2 **QUIREMENTS FOR THE REGIONAL INFRA-**
3 **STRUCTURE ACCELERATOR DEMONSTRA-**
4 **TION PROGRAM.**

5 Section 1441(e) of the Fixing America's Surface
6 Transportation Act (23 U.S.C. 601 note) is amended to
7 read as follows:

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

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

15 Section 106 of the Rail Safety Improvement Act of
16 2008 (49 U.S.C. 20101 note) is amended to read as fol-
17 lows:

18 **“SEC. 106. REPORTS ON STATUTORY MANDATES AND REC-**
19 **COMMENDATIONS.**

20 “The Secretary shall—

21 “(1) not later than 1 year after the date of en-
22 actment of the Department of Transportation Re-
23 ports Harmonization Act, describe the actions the
24 Secretary has taken to implement unmet statutory
25 mandates regarding railroad safety;

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

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

5 “(A) posting the description on the website
6 of the Department of Transportation;

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

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

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

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

16 (b) CONTENTS OF GRANT REQUESTS.—

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

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

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

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

24 “(4) describe the status of efforts to improve
25 safety and security on the Northeast Corridor main

1 line, including a description of any efforts to imple-
2 ment recommendations of relevant railroad safety
3 advisory committees.”.

4 (2) **RULE OF CONSTRUCTION.**—Nothing in this
5 subsection or an amendment made by this sub-
6 section shall affect a grant request made under sec-
7 tion 24319 of title 49, United States Code, before
8 the date of enactment of this Act.

9 **SEC. 15. IN-VEHICLE ALCOHOL DETECTION DEVICE RE-**
10 **SEARCH REPORTS.**

11 Section 403 of title 23, United States Code, is
12 amended—

13 (1) in subsection (f)(1), by striking “subsection
14 402(c)” and inserting “section 402(c)”; and

15 (2) in subsection (h)(4), in the matter pre-
16 ceding subparagraph (A), by striking “submit an an-
17 nual report” and inserting “submit a biennial re-
18 port”.

19 **SEC. 16. HIGHWAY SAFETY PROGRAMS REPORT TO CON-**
20 **GRESS.**

21 Section 402 of title 23, United States Code, is
22 amended by striking subsection (n).

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

24 Section 117(b) of the SAFETEA–LU Technical Cor-
25 rections Act of 2008 (23 U.S.C. 313 note) is amended

1 by striking “submit to the Committee on Transportation
 2 and Infrastructure of the House of Representatives and
 3 the Committee on Environment and Public Works of the
 4 Senate a” and inserting “make publicly available on the
 5 Department of Transportation website an annual”.

6 **SEC. 18. CESSATION OF CERTAIN ADVISORY COUNCILS AND**
 7 **ADVISORY COMMITTEES.**

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

11 “(f) **SUNSET.**—The advisory council established
 12 under this section ceases to exist effective January 1,
 13 2019.”.

14 (b) **INTELLIGENT TRANSPORTATION SYSTEMS PRO-**
 15 **GRAM ADVISORY COMMITTEE.**—Section 515(h) of title 23,
 16 United States Code, is amended—

17 (1) in paragraph (4), by inserting “until the
 18 cessation date under paragraph (6),” after “each
 19 year”; and

20 (2) by adding at the end the following:

21 “(6) **SUNSET.**—The Advisory Committee estab-
 22 lished under this subsection ceases to exist effective
 23 January 1, 2019.”.

24 (c) **NORTHEAST CORRIDOR SAFETY COMMITTEE.**—
 25 Section 24905(e) of title 49, United States Code, is

1 amended by striking paragraphs (2) and (3) and inserting
2 the following:

3 “(2) FUNCTIONS.—The Committee shall func-
4 tion as a working group of the Railroad Safety Advi-
5 sory Committee.

6 “(3) SUNSET.—The Committee established
7 under this subsection ceases to exist on the date that
8 the Secretary, in consultation with the Adminis-
9 trator of the Federal Railroad Administration, deter-
10 mines positive train control, as required by section
11 20157, is fully implemented along the Northeast
12 Corridor.”.

13 (d) NATIONAL RAIL COOPERATIVE RESEARCH PRO-
14 GRAM OVERSIGHT COMMITTEE.—Section 24910(c) of title
15 49, United States Code, is amended by adding at the end
16 the following:

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

○