

Calendar No. 677115TH CONGRESS
2^D SESSION**S. 3367****[Report No. 115–390]**

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

NOVEMBER 27, 2018

Reported by Mr. THUNE, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

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

4 **SEC. 2. EFFECTIVE DATE.**

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

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

11 **SEC. 3. PUBLIC AVAILABILITY OF CHARGES AND FEES FOR**
12 **ATTENDANCE AT UNITED STATES MERCHANT**
13 **MARINE ACADEMY.**

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

18 **SEC. 4. PUBLIC AVAILABILITY OF INFORMATION ON ALIGN-**
19 **ING FEDERAL ENVIRONMENTAL REVIEWS.**

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

1 **SEC. 5. PUBLIC AVAILABILITY OF INFORMATION ON UNI-**
 2 **VERSITY TRANSPORTATION CENTERS PRO-**
 3 **GRAM.**

4 Section 5505 of title 49, United States Code, is
 5 amended—

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

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

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

14 **SEC. 6. PUBLIC AVAILABILITY OF REPORTS BY INSPECTOR**
 15 **GENERAL OF DEPARTMENT OF TRANSPOR-**
 16 **TATION.**

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

20 **“SEC. 6. REPORTS.**

21 “Not later than 9 months after the date of enactment
 22 of the Department of Transportation Reports Harmoni-
 23 zation Act—

24 “(1) the Secretary of Transportation shall make
 25 publicly available a list of each statutory mandate

1 regarding pipeline safety or hazardous materials
2 safety that has not been implemented by—

3 “(A) posting the list on the website of the
4 Department of Transportation;

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

8 “(C) providing the list in a regulatory
9 planning document; and

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

16 **SEC. 7. PUBLIC AVAILABILITY OF SECRETARY OF TRANS-**
17 **PORTATION’S RESPONSES TO SAFETY REC-**
18 **COMMENDATIONS.**

19 Section 1135 of title 49, United States Code, is
20 amended—

21 (1) by amending subsection (a) to read as fol-
22 lows:

23 “(a) SAFETY TRANSPORTATION RECOMMENDA-
24 TIONS.—

1 “(1) IN GENERAL.—Not later than 90 days
2 after the date that the Secretary of Transportation
3 receives a recommendation about transportation
4 safety from the National Transportation Safety
5 Board, the Secretary shall submit to the Board a
6 formal written response to the recommendation.

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

10 “(A) to carry out procedures to adopt the
11 complete recommendation;

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

14 “(C) to refuse to carry out procedures to
15 adopt the recommendation.”;

16 (2) by amending subsection (b) to read as fol-
17 lows:

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

20 “(1) subparagraph (B) or subparagraph (C) of
21 subsection (a)(2) shall include a copy of a proposed
22 timetable for completing the procedures;

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

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

3 ~~(3)~~ in subsection (e), by striking “a copy of
4 each recommendation and response available to the
5 public at reasonable cost” and inserting “publicly
6 available on its website each recommendation and
7 response under subsection (a)”;

8 (4) in subsection (d)(2)(B), by striking “a re-
9 sponse under subsection (a)(2) or (a)(3)” and in-
10 serting “a response under subparagraph (B) or sub-
11 paragraph (C) of subsection (a)(2)”;

12 ~~(5)~~ by striking subsection (e).

13 **SEC. 8. CONSISTENCY IN RESPONSE REQUIREMENTS TO**
14 **NTSB SAFETY RECOMMENDATIONS.**

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

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

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

1 **SEC. 9. STREAMLINED REPORTING FOR THE NATIONAL**
 2 **MARITIME HERITAGE GRANTS PROGRAM.**

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

5 “(j) STATUS REPORTS.—The Secretary shall include
 6 in the annual budget submission of the Department of the
 7 Interior a description of the current status of the Pro-
 8 gram, including—

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

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

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

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

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

20 (1) IN GENERAL.—Section 11401 of the Fixing
 21 America’s Surface Transportation Act (49 U.S.C.
 22 24407 note) is amended—

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

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

1 (C) by redesignating subsections (d) and
2 (e) as subsections (e) and (d), respectively.

3 ~~(2) REPORTS ON HIGHWAY-RAIL GRADE CROSS-~~
4 ~~ING SAFETY.—~~

5 (A) IN GENERAL.—Chapter 201 of title
6 49, United States Code, is amended by insert-
7 ing after section 20166 the following:

8 “§ 20167. **Reports on highway-rail grade crossing**
9 **safety**

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

22 “(1) an analysis and evaluation of each State
23 railway-highway crossings program under section
24 130 of title 23, including—

1 “(A) compliance with section ~~11401~~ of the
2 Fixing America’s Surface Transportation Act
3 (~~49 U.S.C. 24407~~ note) and section ~~130(g)~~ of
4 title ~~23~~; and

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

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

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

16 “(4) each State that is not in compliance with
17 its schedule of projects under section ~~130(d)~~ of title
18 ~~23~~; and

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

22 “(b) UPDATES.—Not later than 5 years after the
23 date the report under subsection (a) is submitted, the Ad-
24 ministratoꝛ of the Federal Railroad Administration, in

1 consultation with the Administrator of the Federal High-
 2 way Administration, shall—

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

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

12 “(e) DEFINITIONS.—In this section:

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

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

22 “(B) a pathway explicitly authorized by a
 23 public authority or a railroad carrier that is
 24 dedicated for the use of non-vehicular traffic,
 25 including pedestrians, bicyclists, and others;

1 that is not associated with a public highway,
 2 road, or street, or a private roadway, crosses 1
 3 or more railroad tracks either at grade or
 4 grade-separated.

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

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

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

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

13 “(g) ANNUAL REPORT.—

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

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

1 “(3) COORDINATION.—The Administrator of
 2 the Federal Highway Administration shall make
 3 available to the Administrator of the Federal Rail-
 4 road Administration each report submitted under
 5 paragraph (1).”.

6 **SEC. 11. UPDATES TO HAZARDOUS MATERIALS GRANT PRO-**
 7 **GRAMS AND REPORTS.**

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

11 “(j) LIST OF GRANTS.—

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

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

17 “(i) under subsections (a) and (i) of
 18 this section; and

19 “(ii) under subsections (e) and (i) of
 20 section 5107; and

21 “(B) make the list publicly available on the
 22 Department of Transportation website, includ-
 23 ing—

24 “(i) the identity of all final recipients
 25 of such grants;

1 “(ii) the allocation and uses of such
2 grants; and

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

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

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

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

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

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

1 (e) DISCLOSURE OF AGENCY ACTION.—Section
2 5117(g) of title 49, United States Code, is amended to
3 read as follows:

4 “(g) DISCLOSURE OF AGENCY ACTION.—The Sec-
5 retary shall—

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

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

12 “(B) make available to the public on the
13 Department of Transportation website—

14 “(i) notice of the final disposition of
15 any other special permit during the pre-
16 ceding quarter;

17 “(ii) a list of special permits in effect;
18 and

19 “(iii) a summary of the basis for each
20 special permit; and

21 “(2) make available to the public on the De-
22 partment of Transportation website, and update at
23 least biennially, a list and summary of applicable
24 Government regulations, criteria, orders, guidance,

1 and special permits relating to the transportation of
2 hazardous materials.”.

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

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

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

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

17 Section 106 of the Rail Safety Improvement Act of
18 2008 (49 U.S.C. 20101 note) is amended to read as fol-
19 lows:

20 **“SEC. 106. REPORTS ON STATUTORY MANDATES AND REC-**
21 **COMMENDATIONS.**

22 “The Secretary shall—

23 “(1) not later than 1 year after the date of en-
24 actment of the Department of Transportation Re-
25 ports Harmonization Act, describe the actions the

1 Secretary has taken to implement unmet statutory
2 mandates regarding railroad safety;

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

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

7 ~~“(A) posting the description on the website~~
8 ~~of the Department of Transportation;~~

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

12 ~~“(C) providing the description in a regu-~~
13 ~~latory planning document.”.~~

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

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

18 (b) **CONTENTS OF GRANT REQUESTS.**—

19 (1) **IN GENERAL.**—Section 24319(e) of title 49,
20 United States Code, is amended—

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

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

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

1 “(4) describe the status of efforts to improve
2 safety and security on the Northeast Corridor main
3 line, including a description of any efforts to imple-
4 ment recommendations of relevant railroad safety
5 advisory committees.”.

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

11 **SEC. 15. IN-VEHICLE ALCOHOL DETECTION DEVICE RE-**
12 **SEARCH REPORTS.**

13 Section 403 of title 23, United States Code, is
14 amended—

15 (1) in subsection (f)(1), by striking “subsection
16 402(c)” and inserting “section 402(c)”; and

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

21 **SEC. 16. HIGHWAY SAFETY PROGRAMS REPORT TO CON-**
22 **GRESS.**

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

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

2 Section ~~117~~(b) of the SAFETEA-LU Technical Cor-
 3 rections Act of 2008 (~~23~~ U.S.C. ~~313~~ note) is amended
 4 by striking “submit to the Committee on Transportation
 5 and Infrastructure of the House of Representatives and
 6 the Committee on Environment and Public Works of the
 7 Senate a” and inserting “make publicly available on the
 8 Department of Transportation website an annual”.

9 **SEC. 18. CESSATION OF CERTAIN ADVISORY COUNCILS AND**
 10 **ADVISORY COMMITTEES.**

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

14 “(f) **SUNSET.**—The advisory council established
 15 under this section ceases to exist effective January 1,
 16 2019.”.

17 (b) **INTELLIGENT TRANSPORTATION SYSTEMS PRO-**
 18 **GRAM ADVISORY COMMITTEE.**—Section ~~515~~(h) of title ~~23~~,
 19 United States Code, is amended—

20 (1) in paragraph (4), by inserting “until the
 21 cessation date under paragraph (6),” after “each
 22 year”; and

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

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

1 ~~(e) NORTHEAST CORRIDOR SAFETY COMMITTEE.—~~
 2 Section 24905(e) of title 49, United States Code, is
 3 amended by striking paragraphs ~~(2)~~ and ~~(3)~~ and inserting
 4 the following:

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

8 ~~“(3) SUNSET.—The Committee established~~
 9 ~~under this subsection ceases to exist on the date that~~
 10 ~~the Secretary, in consultation with the Adminis-~~
 11 ~~trator of the Federal Railroad Administration, deter-~~
 12 ~~mines positive train control, as required by section~~
 13 ~~20157, is fully implemented along the Northeast~~
 14 ~~Corridor.”.~~

15 ~~(d) NATIONAL RAIL COOPERATIVE RESEARCH PRO-~~
 16 ~~GRAM OVERSIGHT COMMITTEE.—Section 24910(e) of title~~
 17 ~~49, United States Code, is amended by adding at the end~~
 18 ~~the following:~~

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

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as the “Department of Trans-*
 24 *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, and*
 6 *12 of this Act, and the amendments made by those sections,*
 7 *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 Visi-
 14 tors, 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 amend-
 25 ed—

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 as*
 5 *follows:*

6 *“(B) make publicly available on the Depart-*
 7 *ment of Transportation website a description of*
 8 *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 Spe-*
 13 *cial Programs Improvement Act (49 U.S.C. 108 note) is*
 14 *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 re-*
 21 *garding pipeline safety or hazardous materials safety*
 22 *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 flexi-
2 bility agenda under section 602 of title 5, United
3 States Code; or

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

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

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

15 (a) *IN GENERAL.*—Section 1135 of title 49, United
16 *States Code, is amended—*

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

19 “(a) *SAFETY TRANSPORTATION RECOMMENDATIONS.*—

20 “(1) *IN GENERAL.*—Not later than 90 days after
21 *the date that the Secretary of Transportation receives*
22 *a recommendation about transportation safety from*
23 *the National Transportation Safety Board, the Sec-*
24 *retary shall submit to the Board a formal written re-*
25 *sponse 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 AND*
13 *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 reasons*
18 *for the refusal to carry out procedures on the remain-*
19 *der of the recommendation; and*

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

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

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

3 *(4) in subsection (d)(2)(B), by striking “a re-*
 4 *sponse under subsection (a)(2) or (a)(3)” and insert-*
 5 *ing “a response under subparagraph (B) or subpara-*
 6 *graph (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 sub-*
 13 *section (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 likeli-*

1 *hood of recurrence of those accidents together with the*
2 *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, the*
6 *most recent observed response from the Secretary to*
7 *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 State;*

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

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

22 *“(6) a list of ongoing investigations that have ex-*
23 *ceeded the expected time allotted for completion by*
24 *Board order and an explanation for the additional*
25 *time required to complete each such investigation.”.*

1 **SEC. 8. CONSISTENCY IN RESPONSE REQUIREMENTS TO**
 2 **NTSB SAFETY RECOMMENDATIONS.**

3 *Section 19 of the Pipeline Safety Improvement Act of*
 4 *2002 (49 U.S.C. 1135 note) is amended to read as follows:*

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

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

13 **SEC. 9. STREAMLINED REPORTING FOR THE NATIONAL**
 14 **MARITIME HERITAGE GRANTS PROGRAM.**

15 *Section 308703(j) of title 54, United States Code, is*
 16 *amended to read as follows:*

17 *“(j) STATUS REPORTS.—The Secretary shall include*
 18 *in the annual budget submission of the Department of the*
 19 *Interior a description of the current status of the Program,*
 20 *including—*

21 *“(1) the total number of grant applications sub-*
 22 *mitted and approved under the Program in the prior*
 23 *fiscal year;*

24 *“(2) a description, including any results or any*
 25 *accomplishments, of each project funded under the*
 26 *Program in the prior fiscal year; and*

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

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

5 (a) *HIGHWAY-RAIL GRADE CROSSING SAFETY.*—

6 (1) *IN GENERAL.*—Section 11401 of the *Fixing*
7 *America’s Surface Transportation Act* (49 U.S.C.
8 24407 note) is amended—

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

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

13 (C) by redesignating subsections (d) and (e)
14 as subsections (c) and (d), respectively.

15 (2) *REPORTS ON HIGHWAY-RAIL GRADE CROSS-*
16 *ING SAFETY.*—

17 (A) *IN GENERAL.*—Chapter 201 of title 49,
18 *United States Code*, is amended by inserting
19 after section 20166 the following:

20 **“§ 20167. Reports on highway-rail grade crossing safe-**
21 **ty**

22 “(a) *REPORT.*—Not later than 2 years after the dead-
23 line for States to submit State highway-rail grade crossing
24 action plans under section 11401(b) of the *Fixing America’s*
25 *Surface Transportation Act* (49 U.S.C. 24407 note), the Ad-

1 *ministrator of the Federal Railroad Administration, in*
2 *consultation with the Administrator of the Federal High-*
3 *way Administration, shall submit to the Committee on*
4 *Commerce, Science, and Transportation of the Senate and*
5 *the Committee on Transportation and Infrastructure of the*
6 *House of Representatives a report on the State highway-*
7 *rail grade crossing action plans, including—*

8 *“(1) an analysis and evaluation of each State*
9 *railway-highway crossings program under section 130*
10 *of title 23, including—*

11 *“(A) compliance with section 11401 of the*
12 *Fixing America’s Surface Transportation Act*
13 *(49 U.S.C. 24407 note) and section 130(g) of*
14 *title 23; and*

15 *“(B) the specific strategies identified by*
16 *each State to improve safety at highway-rail*
17 *grade crossings, including crossings with mul-*
18 *tiple accidents or incidents;*

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

21 *“(3) the number of projects undertaken under*
22 *section 130 of title 23, including their distribution by*
23 *cost range, road system, nature of treatment, and sub-*
24 *sequent accident experience at improved locations;*

1 “(4) each State that is not in compliance with
2 its schedule of projects under section 130(d) of title
3 23; and

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

7 “(b) *UPDATES.*—Not later than 5 years after the date
8 the report under subsection (a) is submitted, the Adminis-
9 trator of the Federal Railroad Administration, in consulta-
10 tion with the Administrator of the Federal Highway Ad-
11 ministration, shall—

12 “(1) update the report based on the State reports
13 submitted under section 130(g) of title 23 and any
14 other information obtained by or available to the Ad-
15 ministrator of the Federal Railroad Administration;
16 and

17 “(2) submit the updated report to the Committee
18 on Commerce, Science, and Transportation of the
19 Senate and the Committee on Transportation and In-
20 frastructure of the House of Representatives.

21 “(c) *DEFINITIONS.*—In this section:

22 “(1) *HIGHWAY-RAIL GRADE CROSSING.*—The
23 term ‘highway-rail grade crossing’ means a location
24 within a State, other than a location where 1 or more

1 *railroad tracks cross 1 or more railroad tracks at*
 2 *grade, where—*

3 “(A) a public highway, road, or street, or a
 4 private roadway, including associated sidewalks
 5 and pathways, crosses 1 or more railroad tracks
 6 either at grade or grade-separated; or

7 “(B) a pathway explicitly authorized by a
 8 public authority or a railroad carrier that is
 9 dedicated for the use of non-vehicular traffic, in-
 10 cluding pedestrians, bicyclists, and others, that is
 11 not associated with a public highway, road, or
 12 street, or a private roadway, crosses 1 or more
 13 railroad tracks either at grade or grade-sepa-
 14 rated.

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

17 (B) TABLE OF CONTENTS.—The table of
 18 contents of chapter 201 of title 49, United States
 19 Code, is amended by inserting after the item re-
 20 lating to section 20166 the following:

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

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

23 “(g) ANNUAL REPORT.—

24 “(1) IN GENERAL.—Not later than December 30
 25 of each year, each State shall submit to the Adminis-

1 *trator of the Federal Highway Administration a re-*
 2 *port on the progress being made to implement the*
 3 *railway-highway crossings program authorized by*
 4 *this section and the effectiveness of such improve-*
 5 *ments.*

6 “(2) *CONTENTS.*—*Each State report shall con-*
 7 *tain an assessment of the costs of the various treat-*
 8 *ments employed and subsequent accident experience*
 9 *at improved locations.*

10 “(3) *COORDINATION.*—*The Administrator of the*
 11 *Federal Highway Administration shall make avail-*
 12 *able to the Administrator of the Federal Railroad Ad-*
 13 *ministration each report submitted under paragraph*
 14 *(1).”.*

15 **SEC. 11. UPDATES TO HAZARDOUS MATERIALS GRANT PRO-**
 16 **GRAMS AND REPORTS.**

17 *(a) PLANNING AND TRAINING GRANTS, MONITORING,*
 18 *AND REVIEW.*—*Section 5116(j) of title 49, United States*
 19 *Code, is amended to read as follows:*

20 “(j) *LIST OF GRANTS.*—

21 “(1) *IN GENERAL.*—*Not later than 120 days*
 22 *after the date of enactment of the Department of*
 23 *Transportation Reports Harmonization Act, and an-*
 24 *nually thereafter, the Secretary shall—*

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

1 “(i) under subsections (a) and (i) of
2 this section; and

3 “(ii) under subsections (e) and (i) of
4 section 5107; and

5 “(B) make the list publicly available on the
6 Department of Transportation website, includ-
7 ing—

8 “(i) the identity of all final recipients
9 of such grants;

10 “(ii) the allocation and uses of such
11 grants; and

12 “(iii) information on the effects of such
13 grants, such as the number of persons
14 trained, by training level.”.

15 (b) *BIENNIAL REPORT ON TRANSPORTATION OF HAZ-*
16 *ARDOUS MATERIALS.*—Section 5121 of title 49, United
17 *States Code, is amended by striking subsection (h) and in-*
18 *serting the following:*

19 “(h) *COMPILATION OF ACCIDENTS AND CASUALTIES.*—
20 *The Secretary shall make publicly available on the Depart-*
21 *ment of Transportation website, and update at least bienni-*
22 *ally, a statistical compilation of accidents and casualties*
23 *related to the transportation of hazardous material.*

1 “(i) *BUDGET SUBMISSION.*—*The Secretary shall in-*
2 *clude in the annual budget submission of the Department*
3 *of Transportation—*

4 “(1) *an evaluation of the effectiveness of enforce-*
5 *ment activities relating to a function regulated by the*
6 *Secretary under section 5103(b)(1); and*

7 “(2) *a summary of outstanding problems in car-*
8 *rying out this chapter, in order of priority.*”.

9 “(c) *DISCLOSURE OF AGENCY ACTION.*—*Section*
10 *5117(g) of title 49, United States Code, is amended to read*
11 *as follows:*

12 “(g) *DISCLOSURE OF AGENCY ACTION.*—*The Secretary*
13 *shall—*

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

15 “(A) *publish in the Federal Register notice*
16 *of the final disposition of each application for a*
17 *new special permit, modification to an existing*
18 *special permit, or approval during the preceding*
19 *quarter; and*

20 “(B) *make available to the public on the*
21 *Department of Transportation website—*

22 “(i) *notice of the final disposition of*
23 *any other special permit during the pre-*
24 *ceding quarter;*

1 “(ii) a list of special permits in effect;

2 and

3 “(iii) a summary of the basis for each

4 special permit; and

5 “(2) make available to the public on the Depart-
6 ment of Transportation website, and update at least
7 biennially, a list and summary of applicable Govern-
8 ment regulations, criteria, orders, guidance, and spe-
9 cial permits relating to the transportation of haz-
10 ardous materials.”.

11 **SEC. 12. ELIMINATING UNNECESSARY REPORTING RE-**
12 **QUIREMENTS FOR THE REGIONAL INFRA-**
13 **STRUCTURE ACCELERATOR DEMONSTRATION**
14 **PROGRAM.**

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

18 “(e) ANNUAL REPORT.—Each fiscal year that funds
19 are made available to carry out the program, the Secretary
20 shall submit to Congress, not later than 30 days after the
21 date that fiscal year ends, a report that describes the find-
22 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 follows:*

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

7 *“The Secretary shall—*

8 *“(1) not later than 1 year after the date of enact-*
9 *ment of the Department of Transportation Reports*
10 *Harmonization Act, describe the actions the Secretary*
11 *has taken to implement unmet statutory mandates re-*
12 *garding railroad safety;*

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

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

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

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

22 *“(C) providing the description in a regu-*
23 *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 period*
 11 *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 safe-*
 14 *ty and security on the Northeast Corridor main line,*
 15 *including a description of any efforts to implement*
 16 *recommendations of relevant railroad safety advisory*
 17 *committees.”.*

18 (2) *RULE OF CONSTRUCTION.*—*Nothing in this*
 19 *subsection or an amendment made by this subsection*
 20 *shall affect a grant request made under section 24319*
 21 *of title 49, United States Code, before the date of en-*
 22 *actment 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 amend-*
 26 *ed—*

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 to*
6 *the Committee on Commerce, Science, and Transporta-*
7 *tion of the Senate and Committee on Transporta-*
8 *tion and Infrastructure of the House of Representa-*
9 *tives that contains the results of the study conducted*
10 *under paragraph (1), including any recommendations*
11 *for improvements to State activities and the Secretary*
12 *of Transportation’s administration of the highway*
13 *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 by*
17 *striking “submit to the Committee on Transportation and*
18 *Infrastructure of the House of Representatives and the Com-*
19 *mittee on Environment and Public Works of the Senate a”*
20 *and inserting “make publicly available on the Department*
21 *of Transportation website an annual”.*

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

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

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

8 (b) *NORTHEAST CORRIDOR SAFETY COMMITTEE.—*
9 *Section 24905(e) of title 49, United States Code, as amend-*
10 *ed by this Act, is further amended by striking paragraph*
11 *(2) and inserting the following:*

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

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

21 “(3) *SUNSET.—The advisory board established*
22 *under this subsection ceases to exist effective January*
23 *1, 2019.*”.

Calendar No. 677

115TH CONGRESS
2^D SESSION

S. 3367

[Report No. 115-390]

A BILL

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

NOVEMBER 27, 2018

Reported with an amendment