

114TH CONGRESS
2D SESSION

S. 3187

To increase the authorization of the National Transportation Safety Board through fiscal year 2020, to require the NTSB to investigate major oil and other hazardous materials derailments, to expand the Secretary of Transportation's emergency order authority, and to require the Secretary of Transportation to establish a volatility standard for crude oil transported by rail.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2016

Mr. MERKLEY (for himself and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To increase the authorization of the National Transportation Safety Board through fiscal year 2020, to require the NTSB to investigate major oil and other hazardous materials derailments, to expand the Secretary of Transportation's emergency order authority, and to require the Secretary of Transportation to establish a volatility standard for crude oil transported by rail.

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 “Mandate Oil Spill In-
3 vestigations and Emergency Rules (MOSIER) Act of
4 2016”.

5 **SEC. 2. REAUTHORIZATION OF THE NATIONAL TRANSPOR-
6 TATION SAFETY BOARD.**

7 Section 1118(a) of title 49, United States Code, is
8 amended to read as follows:

9 “(a) IN GENERAL.—

10 “(1) AMOUNTS.—There are authorized to be
11 appropriated \$108,000,000 for each of the fiscal
12 years 2018 through 2020 to carry out this chapter.

13 “(2) AVAILABILITY OF FUNDS.—Amounts ap-
14 propriated pursuant to paragraph (1) shall remain
15 available until expended.

16 “(3) LIMITATION ON USE OF FUNDS.—Of the
17 amounts appropriated pursuant to paragraph (1),
18 \$2,000,000 shall be dedicated to the costs associated
19 with carrying out railroad accident investigations
20 and investigations of significant railroad incidents.”.

21 **SEC. 3. MANDATORY NTSB INVESTIGATIONS FOR MAJOR
22 OIL AND OTHER HAZARDOUS MATERIALS
23 DERAILMENTS.**

24 Section 1131(a)(1)(C) of title 49, United States
25 Code, is amended by striking “, or that involves a pas-
26 senger train” and inserting “or involves a passenger train

1 or a significant release of hazardous materials into the en-
 2 vironment within a close proximity to communities, per-
 3 sonal property, or critical landscapes;”.

4 **SEC. 4. EXPANDED EMERGENCY ORDER AUTHORITY.**

5 Section 20104(a) of title 49, United States Code, is
 6 amended to read as follows:

7 “(a) ORDERING RESTRICTIONS AND PROHIBI-
 8 TIONS.—If the Secretary of Transportation, through inci-
 9 dent, testing, inspection, investigation, or research carried
 10 out under this part, determines that an unsafe condition,
 11 practice, or occurrence, or a combination of unsafe condi-
 12 tions, occurrences, and practices, causes (or has the poten-
 13 tial to cause) an emergency or reoccurring situation in-
 14 volving a hazard of death, personal injury, or significant
 15 harm to the environment, the Secretary may immediately
 16 order such restrictions, prohibitions, or moratoriums with-
 17 out regard to section 20103(e) that may be necessary to
 18 abate the situation or prevent accidents of a similar nature
 19 or result.”.

20 **SEC. 5. VOLATILITY STANDARD FOR CRUDE OIL TRANS-**
 21 **PORTED BY RAIL.**

22 (a) IN GENERAL.—Subchapter II of chapter 201 of
 23 title 49, United States Code, is amended by inserting after
 24 section 20153 the following:

1 **“§ 20154. Maximum crude oil volatility standard**

2 “Not later than 9 months after the date of the enact-
3 ment of the Mandate Oil Spill Investigations and Emer-
4 gency Rules (MOSIER) Act of 2016, the Secretary of
5 Transportation, in consultation with the Secretary of En-
6 ergy, shall establish and enforce a national standard for
7 the maximum volatility of crude oil to be permitted to be
8 shipped by rail based on the safest practicable standard.”.

9 (b) CLERICAL AMENDMENT.—The table of sections
10 for chapter 201 of title 49, United States Code, is amend-
11 ed by inserting after the item relating to section 20153
12 the following:

“20154. Maximum crude oil volatility standard.”.

○