

H.R. __ Surface Transportation Authorization Act of 2009 {Draft Bill}

This is a brief overview of the provisions in the draft bill and will be updated as necessary

Sponsored by James L. Oberstar (D-MN) Chairman of the House Transportation and Infrastructure Committee

TITLE I – FEDERAL –AID HIGHWAYS

Subtitle A – Programs and Funding Authorizations (PLEASE NOTE: MUCH OF THIS SECTION IS “TO-BE ADDED)

Sec. 1101 – Authorization of Appropriations

The following sums are authorized to be appropriated out of the Highway Trust Fund:

- Critical Asset Investment Program [**\$ TBD**]
- Surface Transportation Program [**\$ TBD**]
- Congestion Mitigation and Air Quality Improvement Program [**\$ TBD**]
- Highway Safety Improvement Program [**\$ TBD**]
- Freight Improvement Program [**\$ TBD**]
- Appalachian Development Highway System Program [**\$ TBD**]
- Recreational Trails Program [**\$ TBD**]
- Federal and Tribal Lands, Puerto Rico, and Territorial Highway Program [**\$ TBD**]
- National Scenic Byways Program [**\$ TBD**]
- Construction of Ferry Boats and Ferry Terminal Facilities [**\$ TBD**]
- High Priority Projects Program [**\$ TBD**]

Sec. 1102 – Obligation of Ceiling - To Be Supplied

Sec. 1103 – Apportionment- To Be Supplied

Sec. 104 Equity Adjustment – To Be Supplied

Sec. 1105 – Freight Improvement Program

- Established a dedicated source of funding for freight-related highway projects.
- Requires States to consider their freight transportation needs in a strategic, statewide context.
- Institutes new performance measures to focus State efforts on improving the speed and reliability of freight movement.
- Requires Stated to inventory and assess the condition of secondary freight routes.

Sec. 1106 – Surface Transportation Program

- The program will remain largely in its current form, making no changes to either the formula by which funding is apportioned to States or the types of projects on which States may spend STP funding.
- Allows metropolitan areas to use their sub allocated STP funds as easily as States.
- Ensures local access to transportation enhancement funds.

- Requires broader consultation prior to spending STP funds in non-urbanized areas.

Sec. 1107 – Ferry Program

- The Secretary shall make a national ferry database. The database shall contain the current information regarding ferry system, funding sources and such other information as the Secretary considers appropriate.
- The Secretary shall update the database every year and ensure that the database is easily accessible to the public.

Sec. 1108 – Highways Safety Improvement Program (HSIP)

- HSIP funding to States is based on a formula that considers the number of highway lane miles, volume of travel, and number of fatalities on each State's Federal-aid highways network.
- Establishes new performance measures and targets.
- Fosters accountability through State plans for strategic investment of HSIP funding.
- Removes barriers to strategic use of program funding.
- Strengthens Federal oversight over States' use of HSIP funding.

Sec. 1109 – Congestion Mitigation and Air Quality Improvement Program (CMAQ)

- The CMAQ Program provides funds to States for transportation projects to improve air quality and reduce congestion.
- CMAQ funds are apportioned to States based on formulas that take into account factors such as a State's attainment of National Air Quality Standards (nonattainment areas) and former nonattainment areas that are now in compliance (maintenance areas).
- The Act includes reforms designed to ensure that CMAQ funds are targeted and distributed on the basis of need, and better aligns the receipt of funding with the degree of air quality challenges facing a State or a metropolitan area.

Sec. 1110 – Critical Asset Investment Program (CAI)

- The CAI Program establishes national priorities and goals of bringing the NHS into a state of good repair and preserving that state of good repair.
- Funding for the program is apportioned to the States pursuant to a formula that reflects the extent, usage, and condition of each State's core highway system.
- Streamlines FHWA's programs by consolidating several existing programs into the new CAI program.
- Establishes new performance measures and targets.
- Fosters accountability through State plans for strategic investment of CAI funding.
- Strengthens Federal oversight over States' use of CAI funding.

Sec. 1111- Safe Route to School Program

- The program will enable and encourage small children to walk and bicycle to school.

Sec. 1112 – National Scenic Byways Program

- The Secretary shall carry out a national scenic byways program that recognizes roads having outstanding scenic, historic, cultural, natural, recreational, and archaeological qualities.

Sec. 1113 – The Federal and Tribal Lands, Puerto Rico and Territorial Highway Program

- On October 1 of each fiscal year, the Secretary shall allocate sums authorized to be appropriated for the fiscal year for national forest system roads.

Sec. 1114 – Recreational Trails Program

- The Secretary shall encourage the States to enter into contracts and cooperative agreements with qualified youth conservation and service corps to perform construction and maintenance of recreational trails.

Sec. 1115 – Nonmotorized Transportation Pilot Program

- The Secretary shall submit to the Committee on Transportation and Infrastructure and the Committee on Environment and Public Works: (1) an interim report on the results of the program no later than September 30 and a final report on the results will be due on March 31st.

Sec. 1117 – Delta Region Transportation Development Program [\$ TBD]

Sec. 1118 – Grant Program to Prohibit Racial Profiling [\$ TBD]

Sec. 1119 – Technical Amendments [\$ TBD]

Subtitle B – Intermodal and Organizational Innovations

Sec. 1201 – Intermodalism

- Creates an Under Secretary of Transportation for Intermodalism.
- Gives the Under Secretary responsibility for the creation of the National Transportation Strategic Plan.
- Revitalizes DOT's Council on Intermodalism.
- Strengthens and empowers the DOT's office of Intermodalism.

Sec. 1202 – Office of Expedited Project Delivery

- Enhances the speed of project delivery for the largest and most complicated highway projects.
- Resolves obstacles to deliver on projects that are expecting delays.
- Provides national leadership to enhance the speed of project delivery.
- Engages in intermodal coordination on expediting project delivery.
- Increases Congressional oversight of project delivery.
- Promotes integrated planning and programmatic approaches.
- Efficient environmental reviews for project decision-making.
- Clarifies state efforts to address future transportation needs.

Sec. 1203 – Office of Livability

- Located within the FHWA and will bring focus and leadership to move alternative modes of transportation forward, and improve the livability and sustainability of the nation's communities.
- Develops statistical and analytical capabilities.
- Encourages and supports the adoption of comprehensive streets policies and principles.
- Establishes a U.S. Bicycle Route System.

Sec. 1204 – Office of the Public Benefit (OPB)

- The OPB is to ensure that the utilization of tolls and PPP's enhances the nation's surface transportation network.
- Established within FHWA,

- Creates a one-stop shop for Federal toll authority.
- Keeps Interstates toll-free except under narrowly-defined circumstances.
- Honors pre-existing conditions.
- Requires public protections within PPP agreement.

Sec. 1205 – Metropolitan Mobility and Access Program (MMA)

- Establishes a new, mode-neutral discretionary program to assist large, congested regions.
- Requires development and approval of mobility plans to address metropolitan congestion and accessibility.
- Leverages additional investment through the use of Federal innovative financial tools.
- Establishes accountability for recipients of MMA funds.

Sec. 1206 – Projects of National Significance

- Consolidates the Projects of National and Regional Significance (PNRS), the National Corridor Infrastructure Improvement Program (NCIIP) and the Coordinated Border Infrastructure (CBI) – all programs from SAFETEA-LU – into a new discretionary Projects of National Significance (PNS) program.
- Funds projects through an open, competitive, and merit-based selection process.
- Increases accountability through plans, performance targets, and post-project evaluation and reporting.

Sec. 1207 – National Transportation Strategic Plan

- Charges the Office of Intermodalism with developing a National Transportation Strategic Plan.
- Better defines the Federal role in identifying and funding transportation projects.
- Provides a long-range vision and a strategy for reaching our nation's transportation future.

Subtitle C – Finance

Sec. 1301 – Toll Roads, Bridges, Tunnels and Ferries

- Financing information [**\$ TBD**]

Sec. 1302 – Transportation Infrastructure Finance and Innovation Act Amendments [\$ TBD**]**

Sec. 1303 – State Infrastructure banks [\$ TBD**]**

Sec. 1304 – Metropolitan Infrastructure Banks [\$ TBD**]**

Subtitle D – High Priority Projects

Sec. 1401 – High-priority projects program [\$ TBD**]**

Sec. 1402 – Project authorizations [\$ TBD**]**

Sec. 1403 – Technical amendments to transportation projects [\$ TBD**]**

Sec. 1404 – Use of excess funds and funds for inactive projects [\$ TBD**]**

Subtitle E – Miscellaneous

Sec. 1501 – Project Approval and Oversight

- Adds a requirement that for major projects, State DOT's must include a project delivery schedule along with the financial plan and project management plan.

Sec. 1502 - Standards

- Adds language to require US DOT to ensure highway plans are consistent with comprehensive street design policies, principles and practical design standards.
- Requires the Office of Livability to issue guidance on Comprehensive Street Design within one year of enactment.

Sec. 1503 – Revenue Aligned and Budget Authority

- To be Supplied

Sec. 1504 – Public-Private Partnership Agreement

- Requires public authorities to complete an analysis that P3 agreement will provide value compared to traditional delivery methods that considers lifestyle costs, delivery timeframes, benefits and costs of transfer and risk to the P3.

Sec. 1505 – Prevailing Rate of Wage

- Requires that prevailing wage rate comparison does not have to be based on similar projects in the immediate locality of the project but can be made with projects of a similar character in the locality.

Sec. 1506 – Emergency Relief

- The Secretary may expand funds from the emergency fund authorized by this section for the repair or reconstruction of Federal-aid highways in accordance with the provisions of this chapter.

Sec. 1507 – Highway-rail Crossings

- Amends 23 USC 130
- Conforming amendments to reflect changes to HSIP

Sec. 1508 – Metropolitan Planning

- Changes MPO designation threshold from 50,000 population to 100,000.
- Transportation Management Areas required to address greenhouse gas reduction.
- MPO's report annually on process and performance.
- Largest MPO's (1 million or greater) must include a performance measure that looks at how the plan was developed with consideration of land use patterns, housing supply, limiting impacts on farmland, air quality, natural resources, water, energy, community livability and greenhouse gases.

Sec. 1509 – Statewide Planning

- State Plan must: Include a 20 year forecast period for all of the state; consider data and statistics provided by US DOT; identify projects of statewide, regional and national significance (and include cost estimates); and be updated by 9/30/2011.

Sec. 1510 – Project Delivery

- Allows advanced acquisition of property on the Secretary of US DOT's determination (EPA no longer involved).
- Requires the Secretary to issue a record of decision within 120 days of completion of the final environmental impact statement unless requested otherwise by the sponsor.

Sec. 1511 – Disadvantaged Business Enterprise Program

- Purpose is to ensure that minority and women owned businesses have full and fair access to compete in projects and contracts.
- Notify US DOT of the percentages of businesses controlled by women, socially and economically disadvantaged individuals, and women who are also socially and economically disadvantaged.
- Prohibits excessive or discriminatory bonding requirements.

Sec. 1512 – Highway Bridge Inventories, Standards and Inspections

- Requires Secretary in consultation with the states to: inventory all bridges and public roads; identify those bridges that are structurally deficient or functionally obsolete; assign risk-based priority for replacement and rehabilitation; and determine the cost of replacing each structurally deficient bridge.
- Created national bridge inspection standards.
- Requires that within 2 years of enactment states and federal agencies recalculate the load rating of all highway bridges.

Sec. 1513 – National Tunnel Inspection Program

- Requires US DOT to establish national tunnel inspection standards within 2 years of enactment – program guidance similar to National Bridge Program (Sec. 1512).
- Creates training program for inspectors.
- Withholds funding for tunnel projects for those states no meeting compliance beginning 2 years after adoption of standards.

Sec. 1514 – Safety Provisions

- A state meets the requirement of this subsection if the state has enacted and is enforcing a law requiring the use of seat belts; as well as state DUI laws.

Sec. 1515 – HOV Facilities

- Extends the low emission and energy efficient vehicle in HOV lanes program to 2015.
- Requires quarterly reports on HOV lane status.
- Requires Secretary to transfer ½ percent of STP apportionments to CMAQ if the quarterly report shows degradation or if the agency fails to submit the report.

Sec. 1516 – Enforcement of Primary Seat Belt Laws

- A state meets the requirements of this subsection if the state has enacted and is enforcing a primary seat belt law.

- In this section, ‘primary seat belt law’ means a law that allows a law enforcement officer to stop or ticket a driver or any front seat occupant of a passenger vehicle (other than a child) for not wearing a seat belt.

Sec. 1517 – Use of Ignition Interlock Devices to prevent Repeat Intoxicated Driving

- An individual convicted of an alcohol-impaired driving offense who has an ignition interlock device installed on the individual’s motor vehicle is 60 percent less likely to recidivate.
- A state meets the requirement of this subsection if the state has enacted and is enforcing a law that requires throughout the state, the installation of an ignition interlock device for a minimum of 6 months on each motor vehicle operated by an individual who is convicted of driving while intoxicated.

Sec. 1518 – Buy American

- Eliminated ability to segment bridge projects if all segments of the project are included in a single approved environmental document.

Sec. 1519 – Workforce Development – To be supplied

Sec. 1520 – Roadway, Bicycle and Pedestrian, Work Zone, and Highway-rail Grade Crossing Safety

- Allows Secretary to make grants to improve safety for these areas.
- Grants are mostly for data development and increasing awareness.
- Work Zone grants can be used to train workers.

Sec. 1521 – Budget Justification

- The Secretary of Transportation and the head of each agency in the Departments shall submit to the Committee on Transportation and Infrastructure and the Committee on Environment and Public Works and the Committee on Banking, Housing and Urban Affairs, a budget justification concurrently with the President’s annual budget submission to Congress.

Sec. 1522 – Extension of Public Transit Vehicle Exemption from Axle Weight Restrictions

- Extends the program to 2015

Sec. 1523 – Technical Amendments

Sec. 1524 – Definitions

- *Bureau of Land Management Road* means a road serving Bureau of Land Management lands, other than a road that has been authorized by a legally documented right-of-way held by State, county, or other local public road authority.
- *National Forest System Road* means a forest road serving the National Forest System and that the Forest Service determines is necessary for the protection, administration, and utilization of the National Forest System.

TITLE II – HIGHWAY SAFETY

Sec. 2002 – Authorization of Appropriations [\$ TBD]

Sec. 2003 – Highway Safety Programs

- Each State shall have a Highway Safety Program approved by the Secretary, designed to reduce traffic crashes and deaths, injuries, and property damage.
- A State's HSP will be established and carried out in accordance with uniform guidelines promulgated by the Secretary.
- Guidelines expressed in forms of performance criteria.

Sec. 2004 – High Visibility Enforcement Program

- Purpose is to reduce the number of alcohol-impaired operation of motor vehicles and increase the use of seatbelts.

Sec. 2005 – National Driver Register [\$ TBD]

TITLE III – PUBLIC TRANSPORTATION

Sec. 3002 – Short Title

- This title may be cited as the "Public Transportation Act of 2009."

Sec. 3002 – Policies and Purposes

- The Act maintains and strengthens the metropolitan and statewide planning requirements. The act includes a number of reforms that will increase the ability of metropolitan and local governments to access and benefit from both sub-allocated STP funding and transportation enhancement funds.

Sec. 3003 – Definitions

- *Clean Fuel Vehicle* means a passenger vehicle used to provide transportation that is: powered by compressed natural gas; liquefied natural gas; biodiesel fuels; batteries; alcohol-based fuels; electricity; a fuel cell; or hydrogen.
- *Rural Area* means an area encompassing a population of less than 50,000 people and has not been designated the most recent decennial census as an 'urbanized area.'

Sec. 3004 – Metropolitan Planning

- Reforms the MPO process.
- Establishes new performance targets.
- Strengthens the planning process for the largest metropolitan areas.

Sec. 3005 – Statewide Planning

- Strengthens the role of rural agencies in the statewide process
- Established new performance targets
- Expands the scope of the planning process (includes emissions reductions and linkage to climate change).

Sec. 3006 – Urbanized Area Formula Grants and Sec. 3008 – Capital Investment Grants

- These programs purpose is to provide grants to urbanized areas (UZA) for public transportation capital investments and operating expenses. In areas less than 200,000 individuals, both capital and operating costs are an eligible expense.

Sec. 3007 – Intermodal and Energy Efficient Transit Facilities Grants

- Under this consolidated discretionary program, transit projects must either be intermodal facilities that provide the traveling public with access to more than one mode of transportation, or projects that reduce energy consumption or greenhouse gas emissions of public transportation systems and facilities.

Sec. 3009 – Coordinated Access and Mobility Program Formula Grants

- Consolidates the current Elderly Individuals and Individuals with Disabilities Formula Program, the JARC formula program, and the New Freedom program into a streamlined Coordinated Access and Mobility Program (CAMP).

Sec. 3010 – Rural Area formula Grants

- Provides formula funding to States for the purpose of supporting public transportation in areas with a population of less than 50,000. Funding is apportioned by a statutory formula that is based on the latest U.S. Census figures.

Sec. 3011 – Transit Research Grants

- Institutes new performance measures for large urban, small urban and rural transit providers.
- Increases the accountability of the smaller urban and rural transit providers by basing funding allocations in part on the level of transit services they provide.

Sec. 3012 – Bus Testing Facility

Sec. 3013 – Transit in the Parks Program

- May be sought for planning or capital projects inside or in the vicinity of any Federally-owned or managed parks, refuge or recreational area that is open to the general public.
- Removes duplicative Federal agency roles by consolidating all program administration functions of the FTA.
- Increases the overall funding amount for eligible transit projects.

Sec. 3014 – Workforce Development Programs

- Requires the Federal Transit Administration to establish a National Joint Workforce Development Council within six months of enactment.
- Council composed of labor and management representatives from each Regional Workforce Development Board and up to 10 ex-officio members.
- Created grant programs to develop skills in youths, apprenticeship programs and worker retention programs.

Sec. 3015 – General Provisions

Sec. 3016 – Contract Requirements

Sec. 3017 – Office of Expedited Project Delivery

- Inserts new section 49 USC 5326 to conform a similar program.
- Focuses on new start projects.

Sec. 3018 – Program

Sec. 3019 – National Transit Database

Sec. 3020 – Apportionment and Appropriations for the Formula Grants

- Changes 5307 distribution formula for areas less than 200,000 by: reducing the population factor from 50 to 40 percent; and reducing the weighted density factor from 50 to 40 percent.

Sec. 3021 – Fixed Guideway Modernization Formula Grants

- Established goal program for rehabilitation and maintenance of fixed guideway systems, reducing maintenance backlogs and increasing ridership.
- Eliminated tiered distribution formula.

Sec. 3023 – Repeals

- Repeals 49 USC 5339: Alternatives Analysis
- Repeals 49 USC 5340: Growing States Formula

Sec. 3024 – Over-the-road bus accessibility Program

Sec. 3026 – Transportation Fringe Benefits

- Amends IRS code to allow transit benefit deductions set at the same level as that for parking benefits.
- Creates a national transit pass program for federal agencies.

Sec. 3027 – Streetcar Categorical Exclusion

- Requires Secretary to issue a rulemaking on light-rail street cars located in existing right of way.

Sec. 3028 – SAFETEA-LU Repeals

- Repeals 3009 (i) Contracted Paratransit Pilot
- Repeals 3011 (c) Public Private Partnership Pilot
- Repeals 3012 (b) Elderly and Disabled Pilot
- Repeals 3045 Fuel Cell Bus Technology
- Repeals 3045 Allocations for National Research and Technology Programs

TITLE IV – COMMERCIAL MOTOR VEHICLE SAFETY

Sec. 4001 – Short Title

- This title may be cited as the “Motor Carrier Safety Enhancement Act of 2009.”

Sec. 4002 – Amendments

Subtitle A – Authorization of Appropriation

Sec. 4011 – Motor Carrier Safety Grants

- All Funding for next 5 Fiscal Years is [**\$TBD**]

Sec. 4012 – Grant Programs

Subtitle B –General Authority and State Grants

Sec. 4021 – Motor Carrier Safety Assistance Program

- Consolidated the Motor Carrier Safety Assistance Basic Program, the Border Enforcement Grant Program, the New Entrant Program and the High Priority program into one streamlined MCSAP grant program to improve motor carrier, commercial motor vehicle, and driver safety through a partnership between the Federal Government and the States.

Sec. 4022 – Commercial Driver’s License Program

- Ensures that all States comply with the Federal CDL requirements by the end of the authorization period.
- Institutes prioritization to ensure States first address the most critical deficiencies in their CDL programs.
- Directs FMCSA to annually compare State compliance levels.
- Provides additional funding for States that meet requirements to pursue employer notification systems.
- Strengthens sanctions by defining the conditions under which FMCSA must decertify a State’s CDL program.

Sec. 4023 – National Clearinghouse for records relating to alcohol and controlled substance testing of Motor Vehicle Operators.

- Requires the Secretary to establish a clearinghouse of positive drug and alcohol test results and refusals to test by commercial drivers.
- Provides the Secretary enforcement and penalty authority over service agents, including Medical Review Officers and collection facilities.

Sec. 4024 – Performance and Registration Information Systems Management Program

- To arrive at a safety rating, FMCSA assesses a motor carrier’s performance in six general areas or factors: general safety management, driver, operations, vehicle, accident rate, and hazardous materials.

Sec. 4025 – Commercial vehicle Information Systems and Networks Deployment Grants

Sec. 4026 – Amendments to Compliance Review Process

Sec. 4027 – New Entrant Carriers

- FMCSA is required by statute to conduct safety review of new entrants, or newly- registered carriers, within the first 18 months of their operation.

Sec. 4028 – Motor Carrier Registration

- To also obtain interstate operating authority, the carrier must file proof of liability insurance, designate an agent for legal process, and fill out forms that the carrier is “willing and able” to comply with the Secretary’s safety and accessibility regulations.

Sec. 4029 – Reincarnated Carriers

- Requires the Secretary to verify, prior to granting registration to a motor carrier, whether the applicant is or has been related, through common ownership, management, or familial relationship to another motor carrier within the past three years.

Sec. 4030 – Commercial Motor Vehicle Operator Training

- Requires the Secretary, within two years, to prescribe regulations to establish minimum training requirements, including behind-the-wheel instruction, for commercial motor vehicle drivers.
- Mandates that drivers complete training and obtain certification of completion prior to obtaining a CDL.

Sec. 4031 – Improved Oversight of Motor Carriers of Passengers

Sec. 4032 – Commercial Driver’s License Passenger Endorsement Requirements

- Requires FMCSA to review and assess the current knowledge and skill testing requirements for a CDL passenger endorsement to determine necessary improvements to the test to ensure the safety of motorcoach and other passenger operations.

Sec. 4033 – Commercial Motor Vehicle Safety Inspection Programs

- Commercial motor vehicle drivers are subject to a number of Federal requirements to ensure their safe operation. Drivers are required to, among other things, hold a CDL, submit to drug and alcohol testing, demonstrate that they are physically qualified, and comply with regulations setting maximum daily and weekly on-duty and driving time, or hours of service.

Sec. 4034 – Driver Medical Qualifications

- Requires the establishment of the National Registry of Medical Examiners within one year.
- Requires the Secretary to develop unique medical examination and certification forms to be used to conduct all examinations of commercial drivers.

Sec. 4035 – Requirement for Registration and USDOT Number

- A motor carrier can gain entry into the industry by filing paper forms or applying online. A motor carrier can register and obtain a USDOT number almost instantly.

Sec. 4036 – Electronic On-Board Recorders

Sec. 4037 - Motor Carrier Safety Advisory Committee

TITLE V – RESEARCH

Sec. 5001 – Amendments to Title 23, US Code

Sec. 5002 – Authorization of appropriations

TITLE VI – RAIL TRANSPORTATION

Sec. 6001 – High-Speed Rail Assistance

- Advances Congress’ and President Obama’s vision for high-speed rail in America.
- Provides funding for planning activities, including environmental assessments, feasibility studies, economic analyses, preliminary engineering and design, and preparation of financing plans and prospectuses, in high-speed rail corridors designated by the Secretary.

Sec. 6002 – Capital Grants for Rail Line Relocation Projects

- Extends the current authorization for grants to short line and regional railroads for capital improvements.

Sec. 6003 – Technical Corrections to Public Law 110-432

Sec. 6004 - Capital Grants for Class I and Class II Railroads

- The capital grants program for Class I and Class II railroads, authorized at \$50 million annually, provides financing for rehabilitating, preserving or improving railroad track (including roadbed, bridges, and related track structures).

Sec. 6005 – Railroad Rehabilitation and Improvement Financing

- Authorizes the Secretary to reduce the interest paid on direct loan provided to State and local governments, interstate compacts, government sponsored authorities.

Sec. 6006 – Amtrak Domestic Buying Preference

- Requires the Secretary to provide notice and comment through the Federal Register on any waivers of Buy America requested by Amtrak, consistent with Buy America requirements for grants to States for development of intercity passenger and high-speed rail projects.

Sec. 6007 – Separation Requirements

- Requires the Secretary to conduct a study to determine the optimum separation requirements between locomotives and hazardous material cars, and to develop regulations based on the results of that study.

Sec. 6008 – Reports on Railroad Conditions and Performance

- Requires the Secretary to transmit a report no later than December 31, 2010, and every fourth year thereafter, on the conditions and performance of the freight and intercity passenger rail system.

TITLE VII – HAZARDOUS MATERIAL TRANSPORTATION

Sec. 7001 – Short Title

- This title may be cited as the “Hazardous Material Transportation Safety Act of 2009.”

Sec. 7002 – Amendments of Title 49, US Code

Subtitle A – Strengthening Emergency Response Capabilities and Information

Sec. 7003 – Minimal Standards for Emergency Response Information Services

- Strengthens training for emergency responders by requiring States or Indian Tribes that receive grants through HMEP to train emergency responders at the Operations Level, at a minimum.

Sec. 7004 – Training for Emergency Responders

- There are five levels of hazardous material training, prescribed by the Occupational Safety and Health Administration (OSHA) and recommended by the National Fire Protection Association (NFPA): First Responder Awareness Level; First Responder Operations Level; Hazardous Material Technician; Hazardous Materials Specialist; and On-Scene Incident Commander.

Sec. 7005 – Assessment of Volunteer Firefighter Training Capabilities

- Mandates the Secretary to conduct an assessment (and a pilot program based on the assessment) of the existing capabilities of, and delivery methods available for the preparedness and training to, volunteer fire services personnel to safely respond to accidents and incidents involving the transportation of hazardous material.

Sec. 7006 – National Hazardous Materials Fusion Center

- Requires the Secretary to establish and maintain a national hazardous materials fusion center to serve as a data and information network for emergency response providers, Federal, State and local government agencies, and for-profit and nonprofit organizations that are engaged in hazardous material response.

Sec. 7007 – Emergency Response to Accidents and Incidents Involving Alternative Technology

Sec. 7008 – Collection and Sharing of Commodity Flow Data

Sec. 7009 – Paperless Hazard Communications Pilot Program

Subtitle B – Strengthening Hazardous Material Safety

Sec. 7010 – Transportation of Lithium Cells and Batteries

- Lithium batteries present an unacceptable risk to aircraft and passengers.

Sec. 7011 – Requirements Relating to External Product Piping on Cargo Tanks Transporting Hazardous Material

- Addresses problems with transporting hazardous material in unprotected product piping of cargo tank motor vehicles.

Sec. 7012 – Commercial Motor vehicle Operators Registered to Operate in Mexico or Canada

- Ensures that commercial motor vehicle operators registered to operate in Canada or Mexico will undergo criminal background checks in the U.S. and in the countries where the commercial motor vehicle operators are domiciled.

Sec. 7013 – Improving Data Collection, Analysis, and Reporting

Subtitle C – Strengthening Enforcement

Sec. 7020 – Hazardous Material Enforcement Training Program

Sec. 7021 – Inspections and Investigation

- Established a program for training hazardous material inspectors and investigators.

Sec. 7022 – Civil Penalties for Denial of Entry

- Authorizes the Secretary to impose a penalty on a person who obstructs or prevents the Secretary for carrying out inspections or investigations.

Sec. 7023 – Inspector Staffing

Sec. 7024 – Preemption

Subtitle D – Miscellaneous

Sec. 7030 – Hazardous Material research and Development Program

Sec. 7031 – Uniform Hazardous Material State Registration and Permit Program

- Requires the Secretary to develop uniform procedures and forms for States to register, and issue permits to, persons who transport or cause to be transported hazardous material by motor vehicle.

Sec. 7032 – Implementation of the Hazardous Material Safety Permit Program

Sec. 7033 – Authorization of Appropriations