

113TH CONGRESS
2D SESSION

S. 2547

To establish the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation (RESPONSE) Subcommittee under the Federal Emergency Management Agency's National Advisory Council to provide recommendations on emergency responder training and resources relating to hazardous materials incidents involving railroads, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2014

Ms. HEITKAMP (for herself and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish the Railroad Emergency Services Preparedness, Operational Needs, and Safety Evaluation (RESPONSE) Subcommittee under the Federal Emergency Management Agency's National Advisory Council to provide recommendations on emergency responder training and resources relating to hazardous materials incidents involving railroads, 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 “RESPONSE Act of
3 2014”.

4 **SEC. 2. RAILROAD EMERGENCY SERVICES PREPAREDNESS,**
5 **OPERATIONAL NEEDS, AND SAFETY EVALUA-**
6 **TION SUBCOMMITTEE.**

7 Section 508 of the Homeland Security Act of 2002
8 (6 U.S.C. 318) is amended—

9 (1) by redesignating subsection (d) as sub-
10 section (e); and

11 (2) by inserting after subsection (c) the fol-
12 lowing:

13 “(d) RESPONSE SUBCOMMITTEE.—

14 “(1) ESTABLISHMENT.—Not later than 30 days
15 after the date of the enactment of the RESPONSE
16 Act of 2014, the Administrator shall establish, as a
17 subcommittee of the National Advisory Council, the
18 Railroad Emergency Services Preparedness, Oper-
19 ational Needs, and Safety Evaluation Subcommittee
20 (referred to in this subsection as the ‘RESPONSE
21 Subcommittee’).

22 “(2) MEMBERSHIP.—Notwithstanding sub-
23 section (c), the RESPONSE Subcommittee shall be
24 composed of the following:

25 “(A) The Deputy Administrator for Pro-
26 tection and National Preparedness of the Fed-

1 eral Emergency Management Agency, or des-
2 ignee.

3 “(B) The Director of the Office of Emer-
4 gency Communications of the Department of
5 Homeland Security, or designee.

6 “(C) The Director for the Office of Rail-
7 road, Pipeline and Hazardous Materials Inves-
8 tigations of the National Transportation Safety
9 Board, or designee, only in an advisory capac-
10 ity.

11 “(D) The Associate Administrator for
12 Railroad Safety of the Federal Railroad Admin-
13 istration, or designee.

14 “(E) The Assistant Administrator for Se-
15 curity Policy and Industry Engagement of the
16 Transportation Security Administration, or des-
17 ignee.

18 “(F) The Assistant Commandant for Re-
19 sponse Policy of the Coast Guard, or designee.

20 “(G) The Assistant Administrator for the
21 Office of Solid Waste and Emergency Response
22 of the Environmental Protection Agency, or
23 designee.

24 “(H) The Associate Administrator for
25 Hazardous Materials Safety of the Pipeline and

1 Hazardous Materials Safety Administration, or
2 designee.

3 “(I) The Chief Safety Officer and Assist-
4 ant Administrator of the Federal Motor Carrier
5 Safety Administration, or designee.

6 “(J) Such other qualified individuals as
7 the Administrator shall appoint as soon as
8 practicable after the date of the enactment of
9 the RESPONSE Act of 2014 from among the
10 following:

11 “(i) Members of the National Advi-
12 sory Council that have the requisite tech-
13 nical knowledge and expertise to address
14 rail safety issues, including members from
15 the following disciplines:

16 “(I) Emergency management and
17 emergency response providers, includ-
18 ing fire service, law enforcement, haz-
19 ardous materials response, and emer-
20 gency medical services.

21 “(II) State, local, and tribal gov-
22 ernment officials with expertise in
23 preparedness, protection, response, re-
24 covery, and mitigation, including Ad-
25 jutants General.

1 “(III) Elected State, local, and
2 tribal government executives.

3 “(IV) Such other individuals as
4 the Administrator determines to be
5 appropriate.

6 “(ii) Individuals who have the req-
7 uisite technical knowledge and expertise to
8 serve on the RESPONSE Subcommittee,
9 including representatives of—

10 “(I) the rail industry;

11 “(II) the oil industry;

12 “(III) the communications indus-
13 try;

14 “(IV) emergency response pro-
15 viders, including individuals nomi-
16 nated by national organizations rep-
17 resenting local governments and per-
18 sonnel;

19 “(V) representatives from na-
20 tional Indian organizations;

21 “(VI) technical experts; and

22 “(VII) vendors, developers, and
23 manufacturers of systems, facilities,
24 equipment, and capabilities for emer-
25 gency responder services.

1 “(iii) Representatives of such other
2 stakeholders and interested and affected
3 parties as the Administrator considers ap-
4 propriate.

5 “(3) CHAIRPERSON.—The Deputy Adminis-
6 trator for Protection and National Preparedness
7 shall serve as the Chairperson of the RESPONSE
8 Subcommittee, or designee.

9 “(4) MEETINGS.—

10 “(A) INITIAL MEETING.—The initial meet-
11 ing of the RESPONSE Subcommittee shall
12 take place not later than 90 days after the date
13 of the enactment of the RESPONSE Act of
14 2014.

15 “(B) OTHER MEETINGS.—After the initial
16 meeting, the RESPONSE Subcommittee shall
17 meet at least twice annually, with at least 1
18 meeting conducted in person, at the call of the
19 Chairperson.

20 “(5) CONSULTATION WITH NONMEMBERS.—The
21 RESPONSE Subcommittee and the program offices
22 for emergency responder training and resources shall
23 consult with other relevant agencies and groups, in-
24 cluding entities engaged in federally funded research
25 and academic institutions engaged in relevant work

1 and research, which are not represented on the RE-
 2 SPONSE Subcommittee to consider new and devel-
 3 oping technologies and methods that may be bene-
 4 ficial to preparedness and response to rail incidents.

5 “(6) RECOMMENDATIONS.—The RESPONSE
 6 Subcommittee shall develop recommendations for im-
 7 proving emergency responder training and resource
 8 allocation, including the following:

9 “(A) Quality and application of training
 10 for local emergency first responders related to
 11 rail hazardous materials incidents, with a par-
 12 ticular focus on local emergency responders and
 13 small communities near railroads, including the
 14 following:

15 “(i) Ease of access to relevant train-
 16 ing for local emergency first responders,
 17 including an analysis of—

18 “(I) the number of individuals
 19 being trained;

20 “(II) the number of individuals
 21 who are applying;

22 “(III) whether current demand is
 23 being met;

24 “(IV) current challenges; and

25 “(V) projected needs.

1 “(ii) Modernization of course content
 2 related to rail hazardous materials inci-
 3 dents, with a particular focus on response
 4 to the exponential rise in oil shipments by
 5 rail.

6 “(iii) Evaluation of content across
 7 agencies and the private sector to provide
 8 complementary opportunities for courses
 9 and avoid overlap, including the following:

10 “(I) Overlap of course content
 11 among agencies.

12 “(II) Assess the need for inte-
 13 grated course content through public-
 14 private partnerships.

15 “(III) Regular and ongoing eval-
 16 uation of course opportunities, adap-
 17 tation to emerging trends, agency and
 18 private sector outreach, effectiveness
 19 and ease of access for local emergency
 20 responders.

21 “(iv) Online training platforms, train-
 22 the-trainer and mobile training options.

23 “(B) Effectiveness of funding levels related
 24 to training local emergency responders for rail
 25 hazardous materials incidents, with a particular

1 focus on local emergency responders and small
2 communities, including the following:

3 “(i) Minimizing overlap in resource al-
4 location among agencies.

5 “(ii) Minimizing overlap in resource
6 allocation among agencies and private sec-
7 tor.

8 “(iii) Maximizing public-private part-
9 nerships where funding gaps exists for spe-
10 cific training or cost-saving measures can
11 be implemented to increase training oppor-
12 tunities.

13 “(iv) Adaptation of priority settings
14 for agency funding allocations in response
15 to emerging trends.

16 “(v) Evaluation of historic levels of
17 funding across agencies and private sector
18 for rail hazardous materials incidents.

19 “(vi) Assessment of the need for in-
20 crease funding for agencies and specific
21 agencies where funding would be most ef-
22 fective.

23 “(C) Strategy for integration of commodity
24 flow studies, mapping, and access platforms for
25 local emergency responders and how to increase

1 the rate of access to the individual responder in
2 existing or emerging communications tech-
3 nology.

4 “(D) The lack of emergency response plans
5 for rail, similar to existing law related to mari-
6 time and stationary facility emergency response
7 plans, including the following:

8 “(i) Provisions of law relating to the
9 Emergency Planning and Community
10 Right-To-Know Act of 1986 (42 U.S.C.
11 11001 et seq.).

12 “(ii) How the industry would imple-
13 ment such plans.

14 “(iii) The thresholds and availability
15 of emergency plans for each train related
16 to hazardous materials in its cargo.

17 “(iv) Gaps in existing regulations
18 across agencies.

19 “(E) Development of a train incident data-
20 base, including the following:

21 “(i) An assessment of the appropriate
22 agency to host the database.

23 “(ii) A definition of incident that
24 would constitute the level of reporting from
25 the industry.

1 “(iii) The projected cost of such a
2 database and how that database would be
3 maintained and enforced.

4 “(F) Increasing access to relevant, useful,
5 and timely information for the local emergency
6 responder, including the following:

7 “(i) Evaluation of existing informa-
8 tion that the emergency responder can ac-
9 cess, what the current rate of access and
10 usefulness is for the emergency responder,
11 and what current information should re-
12 main and what should be reassessed.

13 “(ii) Utilization of existing technology
14 in the hands of the first responder to
15 maximize delivery of useful and timely in-
16 formation for training or in the event of an
17 incident.

18 “(iii) Assessment of emerging commu-
19 nications technology that could assist the
20 emergency responder in the event of a rail
21 hazardous materials incident.

22 “(G) Determination of the most efficient
23 agencies and offices for the implementation of
24 the recommendations, including—

1 “(i) recommendations that can be im-
2 plemented without congressional action
3 and appropriate time frames for such ac-
4 tions; and

5 “(ii) recommendations that would re-
6 quire congressional action.

7 “(7) REPORT.—Not later than 1 year after the
8 date of the enactment of the RESPONSE Act of
9 2014, the RESPONSE Subcommittee shall submit a
10 report containing the recommendations developed
11 under paragraph (6) to the National Advisory Coun-
12 cil for its review and deliberation. After approving
13 the recommendations of the RESPONSE Sub-
14 committee, the National Advisory Council shall sub-
15 mit the report to—

16 “(A) the Administrator;

17 “(B) the head of each agency represented
18 on the RESPONSE Subcommittee;

19 “(C) the Committee on Homeland Security
20 and Governmental Affairs of the Senate;

21 “(D) the Committee on Homeland Security
22 of the House of Representatives; and

23 “(E) the Committee on Transportation
24 and Infrastructure of the House of Representa-
25 tives.

1 “(8) INTERIM ACTIVITY.—

2 “(A) UPDATES AND OVERSIGHT.—After
3 the submission of the report by the National
4 Advisory Council under paragraph (7), the Ad-
5 ministrator shall—

6 “(i) provide quarterly updates to the
7 National Advisory Council, the RE-
8 SPONSE Subcommittee, and the congres-
9 sional committees referred to in paragraph
10 (7) regarding the status of the implemen-
11 tation of the recommendations developed
12 under paragraph (6); and

13 “(ii) oversee the implementation of
14 the recommendations described in para-
15 graph (6)(G)(i).

16 “(B) ADDITIONAL REPORTS.—After sub-
17 mitting the report required under paragraph
18 (7), the RESPONSE Subcommittee shall sub-
19 mit additional reports and recommendations in
20 the same manner and to the same entities iden-
21 tified in paragraph (7) if needed or requested
22 from Congress or from the Administrator.

23 “(9) TERMINATION.—

24 “(A) IN GENERAL.—Except as provided in
25 subparagraph (B), the RESPONSE Sub-

1 committee shall terminate not later than 4
2 years after the date of the enactment of the
3 RESPONSE Act of 2014.

4 “(B) EXTENSION.—The Administrator
5 may extend the duration of the RESPONSE
6 Subcommittee, in 1-year increments, if the Ad-
7 ministrator determines that additional reports
8 and recommendations are needed from the RE-
9 SPONSE Subcommittee after the termination
10 date set forth in subparagraph (A).”.

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