

## Fixing America's Surface Transportation Act

The Fixing America's Surface Transportation (FAST) Act is a five-year bill to improve the Nation's surface transportation infrastructure, including our roads, bridges, transit systems, and rail transportation network. FAST will supersede the Moving Ahead for Progress in the 21<sup>st</sup> Century Act (MAP-21; Public Law 112-141) signed into law on July 6, 2012. The bill was passed by Congress on December 3 and signed into law by the President on December 4.

The IAFC worked actively on this bill and there are provisions in the bill which reflect our positions.

- Section 1410 of Subtitle D, General Provisions, of Title I-Federal Highways includes language exempting emergency vehicles from state weight limitation laws. Increased operating requirements are driving emergency vehicles to carry additional weight with larger axle weight capacities, often causing these vehicles to exceed federal and state axle weight limitations. Some states have general weight exemptions for emergency vehicles. Many still do not however. This patchwork of regulations requires fire apparatus manufacturers to put fire apparatus on trailers and drive circuitous routes in delivering fire apparatus to fire departments. The IAFC worked with the Fire Apparatus Manufacturers Association in supporting this exemption and our support was a key element in inclusion of this provision in the FAST Act.
- Title VI "Innovation" of the FAST Act reauthorizes the programs for the research activities of the U.S. Department of Transportation (DOT) through FY 2020 and includes several provisions to promote innovation and the use and deployment of transportation technologies to address various surface transportation needs. Section 6013 recognizes for the first time in statute that web-based training is an appropriate way to train the public sector in hazmat challenges for hazardous materials emergency preparedness grants.

The IAFC has consistently maintained that any training for hazardous materials first responders should use a blended approach utilizing both web-based and practical, in-person classroom training. This new section will assist the IAFC to use the ALERT grant-funded training to work with the states to do HMEP-grant funded training. This is a positive development for the fire service for hazmat training for emergency responders. The fire service is adapting to this new challenge through awareness, education, training, and other preparedness actions.

- Title VII of the FAST Act, "The Hazardous Materials Transportation Safety Improvement Act of 2015," advances the safe and efficient movement of hazardous materials through a number of reforms and safety improvements. It also authorizes hazardous materials safety and grant programs for fiscal years 2016 through 2020. The FAST Act requires Class I railroads to generate accurate, real-time, electronic

train composition information for first responders through agreements with fusion centers and to provide information about certain flammable liquid shipments to State Emergency Response Commissions (SERCs). It prohibits the withholding of train composition information from first responders in the event of an accident, incident, or emergency. The Act requires the Department of Transportation (DOT) to establish security and confidentiality protections for the release of any information intended for fusion centers, SERCs, or other authorized persons. It also requires a GAO study on the quality of emergency response information carried by train crews.

The FAST Act includes parts of the DOT's May 1, 2015, final rule on enhanced tank car standards and operational controls for high-hazard flammable trains (HHFT) issued by the Pipeline and Hazardous Materials Safety Administration (PHMSA) and the Federal Railroad Administration (FRA). The IAFC does have reservations on the confidentially issues which we raised during the rulemaking process and which are included in the FAST Act.

While we understand security concerns, The IAFC expressed concern that security will trump the first responder's "right to know" and access to vital rail shipment information. Fusion Centers have a very specific security and intelligence mission. Responder "right to know" and information sharing is not part of their area of responsibility. The data reported to those Fusion Centers will become "Security Sensitive Information" and subject to increased levels of security. First responders may then only gain access to the information on a need-to-know basis and then only after a "Non-Disclosure Agreement" has been executed. This will, for all intents and purposes, limit responder access to vital response information thereby neutralizing their ability to protect the public and our environment.

- The FAST Act in Title VII requires reporting to the SERCs Bakken crude oil shipments of 1,000,000 gallons or more which was a position the IAFC advocated for during the rulemaking process which led to the May 1 rule.

Overall, the FAST Act addresses many of the issues important to emergency responders and is a step forward in improving the safety of responders and the public from rail incidents involving highly flammable liquids. In addition to the FAST Act and the recent regulations, the rail industry and the fire service need improved and ongoing collaboration to ensure that emergency response plans for these incidents are written with a proper risk assessment. Such an assessment must include an understanding of both the rail industry's and the fire service's capabilities, and that proper training be provided for the responders to these large, complex, and dangerous incidents. The FAST Act also provides for the deployment of transportation technologies and congestion management tools that support an efficient and safe surface transportation system. It encourages the installation of vehicle-to-infrastructure equipment to reduce congestion and improve safety. The FAST Act increases the focus on roadway safety infrastructure and on the safety needs of pedestrians.

