

after receiving the petition. The resolution shall provide the greatest level of highway safety without being an unreasonable burden on commerce and shall ensure compliance with standards prescribed under subsection (b) of this section.

(3)(A) After a petition is filed under this subsection, a civil action about the subject matter of the dispute may be brought in a court only after the earlier of—

- (i) the day the Secretary issues a final decision; or
- (ii) the last day of the one-year period beginning on the day the Secretary receives the petition.

(B) A State or Indian tribe adversely affected by a decision of the Secretary under this subsection may bring a civil action for judicial review of the decision in an appropriate district court of the United States not later than 89 days after the day the decision becomes final.

(e) RELATIONSHIP TO OTHER LAWS.—This section and regulations prescribed under this section do not affect sections 31111 and 31113 of this title or section 127 of title 23.

(f) EXISTING RADIOACTIVE MATERIAL ROUTING REGULATIONS.—The Secretary is not required to amend or again prescribe regulations related to highway routing designations over which radioactive material may and may not be transported by motor vehicles, and limitations and requirements related to the routing, that were in effect on November 16, 1990.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 769; Pub. L. 109–59, title VII, §7126, Aug. 10, 2005, 119 Stat. 1909; Pub. L. 112–141, div. C, title III, §33013(a), July 6, 2012, 126 Stat. 839.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5112(a)(1)	49 App.:1804(b)(7).	Jan. 3, 1975, Pub. L. 93–633, §105(b)(1)–(3), (5)–(9), (c), 88 Stat. 2157; restated Nov. 16, 1990, Pub. L. 101–615, §4, 104 Stat. 3248, 3251.
5112(a)(2)	49 App.:1804(b)(1).	
5112(b)(1)	49 App.:1804(b)(2), (3).	
5112(b)(2)	49 App.:1804(b)(9).	
5112(c)	49 App.:1804(c).	
5112(d)	49 App.:1804(b)(5).	
5112(e)	49 App.:1804(b)(6).	
5112(f)	49 App.:1804(b)(8).	

In subsection (a)(1), the words “in the area which is subject to the jurisdiction of such State or Indian tribe” are omitted as surplus.

In subsection (b)(1), before clause (A), the words “Not later than 18 months after November 16, 1990” are omitted as obsolete. In clause (H)(i), the words “prescribed under this subsection” are added for clarity.

In subsection (d)(1), the words “within 18 months of November 16, 1990” are omitted as obsolete. The words “over a matter” are omitted as surplus.

In subsection (d)(3), the word “civil” is added for consistency in the revised title and with other titles of the United States Code.

In subsection (e), the words “superseding or otherwise”, “application of”, “relating to vehicle weight limitations”, and “relating to vehicle length and vehicle width limitations, respectively” are omitted as surplus.

In subsection (f), the word “modify” is omitted as surplus and for consistency in the revised title. The words “issued by the Department of Transportation before November 16, 1990, and” are omitted as obsolete.

AMENDMENTS

2012—Subsec. (c). Pub. L. 112–141 designated existing provisions as par. (1), inserted heading, and added par. (2).

2005—Subsec. (a)(1). Pub. L. 109–59 substituted “Secretary” for “Secretary of Transportation” in introductory provisions.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

STUDY OF HAZARDOUS MATERIALS TRANSPORTATION BY MOTOR CARRIERS NEAR FEDERAL PRISONS

Pub. L. 103–311, title I, §121, Aug. 26, 1994, 108 Stat. 1681, directed Secretary of Transportation to submit to Congress, not later than 1 year after Aug. 26, 1994, report on results of study to determine safety considerations of transporting hazardous materials by motor carriers in close proximity to Federal prisons, particularly those housing maximum security prisoners, which was to include evaluation of ability of such facilities and designated local planning agencies to safely evacuate such prisoners in event of emergency and any special training, equipment, or personnel that would be required by such facility and designated local emergency planning agencies to carry out such evacuation.

§ 5113. Unsatisfactory safety rating

A violation of section 31144(c)(3) shall be considered a violation of this chapter, and shall be subject to the penalties in sections 5123 and 5124.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 771; Pub. L. 105–178, title IV, §4009(b), June 9, 1998, 112 Stat. 407; Pub. L. 109–59, title VII, §7112(a), Aug. 10, 2005, 119 Stat. 1899.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5113(a)	49 App.:1814(a).	Jan. 3, 1975, Pub. L. 93–633, 88 Stat. 2156, §117; added Nov. 3, 1990, Pub. L. 101–500, §15(b)(1), 104 Stat. 1218.
5113(b)	49 App.:1814(b).	
5113(c)	49 App.:1814(c).	
5113(d)	49 App.:2501 (note).	Nov. 3, 1990, Pub. L. 101–500, §15(b)(2), 104 Stat. 1219.

In subsections (a) and (c), the words “individuals” is substituted for “passengers, including the driver” for clarity and consistency.

In subsection (a), before clause (1), the words “Effective January 1, 1991” are omitted as obsolete. The words “to take such action as may be necessary” are omitted as surplus.

In subsection (b), the words “from the Secretary” and “conditions and other” are omitted as surplus.

In subsection (d), the words “Not later than 1 year after the date of enactment of this Act” are omitted as obsolete.

AMENDMENTS

2005—Pub. L. 109–59 amended text generally. Prior to amendment, text read as follows: “See section 31144.”

1998—Pub. L. 105–178 substituted “See section 31144.” for subsecs. (a) to (d) which related to unsatisfactory safety ratings.

§ 5114. Air transportation of ionizing radiation material

(a) TRANSPORTING IN AIR COMMERCE.—Material that emits ionizing radiation spontaneously may be transported on a passenger-carrying air-

craft in air commerce (as defined in section 40102(a) of this title) only if the material is intended for a use in, or incident to, research or medical diagnosis or treatment and does not present an unreasonable hazard to health and safety when being prepared for, and during, transportation.

(b) PROCEDURES.—The Secretary shall prescribe procedures for monitoring and enforcing regulations prescribed under this section.

(c) NONAPPLICATION.—This section does not apply to material the Secretary decides does not pose a significant hazard to health or safety when transported because of its low order of radioactivity.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 772; Pub. L. 109–59, title VII, §7126, Aug. 10, 2005, 119 Stat. 1909.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
5114(a)	49 App.:1807(a) (1st, 2d sentences), (b) (1st sentence).	Jan. 3, 1975, Pub. L. 93–633, §108, 88 Stat. 2159; Nov. 16, 1990, Pub. L. 101–615, §10, 104 Stat. 3259.
5114(b)	49 App.:1807(a) (last sentence).	
5114(c)	49 App.:1807(b) (last sentence).	

In subsection (a), the text of 49 App.:1807(a) (1st sentence) is omitted as executed. The words “or combination of materials” are omitted as surplus.

In subsection (b), the words “further” and “effective” are omitted as surplus.

AMENDMENTS

2005—Subsec. (b). Pub. L. 109–59 substituted “Secretary” for “Secretary of Transportation”.

§ 5115. Training curriculum for the public sector

(a) IN GENERAL.—In coordination with the Administrator of the Federal Emergency Management Agency, the Chairman of the Nuclear Regulatory Commission, the Administrator of the Environmental Protection Agency, the Secretaries of Labor, Energy, and Health and Human Services, and the Director of the National Institute of Environmental Health Sciences, and using existing coordinating mechanisms of the National Response Team and, for radioactive material, the Federal Radiological Preparedness Coordinating Committee, the Secretary of Transportation shall maintain, and update periodically, a current curriculum of courses, including online curriculum as appropriate, necessary to train public sector emergency response and preparedness teams in matters relating to the transportation of hazardous material. Only in developing the curriculum, the Secretary of Transportation shall consult with regional response teams established under the national contingency plan established under section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9605), representatives of commissions established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001), persons (including governmental entities) that provide training for responding to accidents and incidents involving the transportation of hazardous material, and

representatives of persons that respond to those accidents and incidents.

(b) REQUIREMENTS.—The curriculum maintained and updated under subsection (a) of this section—

(1) shall include—

(A) a recommended course of study to train public sector employees to respond to an accident or incident involving the transportation of hazardous material and to plan for those responses;

(B) recommended courses and minimum number of hours of instruction necessary for public sector employees to be able to respond safely and efficiently to an accident or incident involving the transportation of hazardous material and to plan those responses; and

(C) appropriate emergency response training and planning programs for public sector employees developed with Federal financial assistance, including programs developed with grants made under section 126(g) of the Superfund Amendments and Reauthorization Act of 1986 (42 U.S.C. 9660a); and

(2) may include recommendations on material appropriate for use in a recommended course described in clause (1)(B) of this subsection.

(c) TRAINING ON COMPLYING WITH LEGAL REQUIREMENTS.—A recommended course described in subsection (b)(1)(B) of this section shall provide the training necessary for public sector employees to comply with—

(1) regulations related to hazardous waste operations and emergency response contained in part 1910 of title 29, Code of Federal Regulations, prescribed by the Secretary of Labor;

(2) regulations related to worker protection standards for hazardous waste operations contained in part 311 of title 40, Code of Federal Regulations, prescribed by the Administrator; and

(3) standards related to emergency response training prescribed by the National Fire Protection Association and such other voluntary consensus standard-setting organizations as the Secretary of Transportation determines appropriate.

(d) DISTRIBUTION AND PUBLICATION.—With the National Response Team—

(1) the Secretary shall distribute the curriculum and any updates to the curriculum to the regional response teams and all committees and commissions established under section 301 of the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. 11001); and

(2) the Secretary may publish and distribute a list of programs and courses maintained and updated under this section and of any programs utilizing such courses.

(Pub. L. 103–272, §1(d), July 5, 1994, 108 Stat. 772; Pub. L. 103–429, §6(5), Oct. 31, 1994, 108 Stat. 4378; Pub. L. 109–59, title VII, §§7113, 7126, Aug. 10, 2005, 119 Stat. 1899, 1909; Pub. L. 109–295, title VI, §612(c), Oct. 4, 2006, 120 Stat. 1410; Pub. L. 112–141, div. C, title III, §33004(a), July 6, 2012, 126 Stat. 832; Pub. L. 114–94, div. A, title VI, §6013, Dec. 4, 2015, 129 Stat. 1570.)