

AMENDMENTS

2015—Subsec. (b). Pub. L. 114-94, §7204(1), substituted “an application for a new special permit or a modification to an existing special permit” for “an application for a special permit” and inserted “The Secretary shall make available to the public on the Department of Transportation’s Internet Web site any special permit other than a new special permit or a modification to an existing special permit and shall give the public an opportunity to inspect the safety analysis and comment on the application for a period of not more than 15 days.” before “This subsection”.

Subsec. (c). Pub. L. 114-94, §7204(2), substituted “a special permit or approval” for “the special permit” in two places, “120 days” for “180 days”, and “make available to the public” for “publish”, and struck out “in the Federal Register” after “a statement”.

Subsec. (g). Pub. L. 114-94, §7204(3), added subsec. (g). 2012—Subsec. (f). Pub. L. 112-141 added subsec. (f).

2005—Pub. L. 109-59, §7115(a)(1), substituted “Special permits and exclusions” for “Exemptions and exclusions” in section catchline.

Subsec. (a). Pub. L. 109-59, §7115(b), substituted “Issue Special Permits” for “Exempt” in heading.

Subsec. (a)(1). Pub. L. 109-59, §7126, substituted “Secretary” for “Secretary of Transportation” in introductory provisions.

Pub. L. 109-59, §7115(c), in introductory provisions, substituted “issue, modify, or terminate a special permit authorizing a variance” for “issue an exemption” and “performing a function regulated by the Secretary under section 5103(b)(1)” for “transporting, or causing to be transported, hazardous material”.

Subsec. (a)(2). Pub. L. 109-59, §7115(d), amended par. (2) generally. Prior to amendment, par. (2) read as follows: “An exemption under this subsection is effective for not more than 2 years and may be renewed on application to the Secretary.”

Subsec. (b). Pub. L. 109-59, §7115(e), substituted “the special permit” for “the exemption” and substituted “a special permit” for “an exemption” wherever appearing.

Subsec. (c). Pub. L. 109-59, §7115(f), substituted “the special permit” for “the exemption” in two places.

Subsec. (e). Pub. L. 109-59, §7115(g), substituted “a special permit” for “an exemption” and “be granted a variance” for “be exempt”.

1994—Subsecs. (c) to (e). Pub. L. 103-311 added subsec. (c) and redesignated former subsecs. (c) and (d) as (d) and (e), respectively.

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

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.

SPECIAL PERMITS, APPROVALS, AND EXCLUSIONS

Pub. L. 112-141, div. C, title III, §33012(a), (b), July 6, 2012, 126 Stat. 838, provided that:

“(a) RULEMAKING.—Not later than 2 years after the date of enactment of this Act [see section 3(a), (b) of Pub. L. 112-141, set out as Effective and Termination Dates of 2012 Amendment notes under section 101 of Title 23, Highways], the Secretary [of Transportation], after providing notice and an opportunity for public comment, shall issue regulations that establish—

“(1) standard operating procedures to support administration of the special permit and approval programs; and

“(2) objective criteria to support the evaluation of special permit and approval applications.

“(b) REVIEW OF SPECIAL PERMITS.—

“(1) REVIEW.—Not later than 1 year after the date of enactment of this Act, the Secretary shall conduct a review and analysis of special permits that have been in continuous effect for a 10-year period to determine which special permits may be converted into the hazardous materials regulations.

“(2) FACTORS.—In conducting the review and analysis under paragraph (1), the Secretary may consider—

“(A) the safety record for hazardous materials transported under the special permit;

“(B) the application of a special permit;

“(C) the suitability of provisions in the special permit for incorporation into the hazardous materials regulations; and

“(D) rulemaking activity in related areas.

“(3) RULEMAKING.—After completing the review and analysis under paragraph (1), but not later than 3 years after the date of enactment of this Act, and after providing notice and opportunity for public comment, the Secretary shall issue regulations to incorporate into the hazardous materials regulations any special permits identified in the review under paragraph (1) that the Secretary determines are appropriate for incorporation, based on the factors identified in paragraph (2).”

§ 5118. Hazardous material technical assessment, research and development, and analysis program

(a) RISK REDUCTION.—

(1) PROGRAM AUTHORIZED.—The Secretary of Transportation may develop and implement a hazardous material technical assessment, research and development, and analysis program for the purpose of—

(A) reducing the risks associated with the transportation of hazardous material; and

(B) identifying and evaluating new technologies to facilitate the safe, secure, and efficient transportation of hazardous material.

(2) COORDINATION.—In developing the program under paragraph (1), the Secretary shall—

(A) utilize information gathered from other modal administrations with similar programs;

(B) coordinate with other modal administrations, as appropriate; and

(C) coordinate, as appropriate, with other Federal agencies.

(b) COOPERATION.—In carrying out subsection (a), the Secretary shall work cooperatively with regulated and other entities, including shippers, carriers, emergency responders, State and local officials, and academic institutions.

(c) COOPERATIVE RESEARCH.—

(1) IN GENERAL.—As part of the program established under subsection (a), the Secretary may carry out cooperative research on hazardous materials transport.

(2) NATIONAL ACADEMIES.—The Secretary may enter into an agreement with the National Academies to support research described in paragraph (1).

(3) RESEARCH.—Research conducted under this subsection may include activities relating to—

(A) emergency planning and response, including information and programs that can be readily assessed and implemented in local jurisdictions;

(B) risk analysis and perception and data assessment;

- (C) commodity flow data, including voluntary collaboration between shippers and first responders for secure data exchange of critical information;
- (D) integration of safety and security;
- (E) cargo packaging and handling;
- (F) hazmat release consequences; and
- (G) materials and equipment testing.

(Added Pub. L. 112-141, div. C, title III, §33007(a), July 6, 2012, 126 Stat. 835; amended Pub. L. 114-94, div. A, title VI, §6014, Dec. 4, 2015, 129 Stat. 1570.)

PRIOR PROVISIONS

A prior section 5118, Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 777; Pub. L. 108-426, §2(c)(2), Nov. 30, 2004, 118 Stat. 2424, related to employment of additional hazardous material safety inspectors, prior to repeal by Pub. L. 109-59, title VII, §7115(h), Aug. 10, 2005, 119 Stat. 1901.

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2015—Subsec. (a)(2)(C). Pub. L. 114-94, §6014(1), added subpar. (C).
 Subsec. (c). Pub. L. 114-94, §6014(2), added subsec. (c).

EFFECTIVE DATE OF 2015 AMENDMENT

Amendment by Pub. L. 114-94 effective Oct. 1, 2015, see section 1003 of Pub. L. 114-94, set out as a note under section 5313 of Title 5, Government Organization and Employees.

EFFECTIVE DATE

Section 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.

§ 5119. Uniform forms and procedures

(a) ESTABLISHMENT OF WORKING GROUP.—The Secretary shall establish a working group of State and local government officials, including representatives of the National Governors' Association, the National Association of Counties, the National League of Cities, the United States Conference of Mayors, the National Conference of State Legislatures, and the Alliance for Uniform Hazmat Transportation Procedures.

(b) PURPOSE OF WORKING GROUP.—The purpose of the working group shall be to develop uniform forms and procedures for a State to register, and to issue permits to, persons that transport, or cause to be transported, hazardous material by motor vehicle in the State.

(c) LIMITATION ON WORKING GROUP.—The working group may not propose to define or limit the amount of a fee a State may impose or collect.

(d) PROCEDURE.—The Secretary shall develop a procedure for the working group to employ in developing recommendations for the Secretary to harmonize existing State registration and permit laws and regulations relating to the transportation of hazardous materials, with special attention paid to each State's unique safety concerns and interest in maintaining strong hazmat safety standards.

(e) REPORT OF WORKING GROUP.—Not later than 18 months after the date of enactment of this subsection, the working group shall transmit to the Secretary a report containing recommendations for establishing uniform forms and procedures described in subsection (b).

(f) REGULATIONS.—Not later than 18 months after the date the working group's report is delivered to the Secretary, the Secretary shall issue regulations to carry out such recommendations of the working group as the Secretary considers appropriate. In developing such regulations, the Secretary shall consider the State needs associated with the transition to and implementation of a uniform forms and procedures program.

(g) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in this section shall be construed as prohibiting a State from voluntarily participating in a program of uniform forms and procedures until such time as the Secretary issues regulations under subsection (f).

(Pub. L. 103-272, §1(d), July 5, 1994, 108 Stat. 777; Pub. L. 104-287, §5(9), Oct. 11, 1996, 110 Stat. 3389; Pub. L. 109-59, title VII, §7116, Aug. 10, 2005, 119 Stat. 1901.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
5119(a)	49 App.:1819(a).	Jan. 3, 1975, Pub. L. 93-633, 88 Stat. 2156, §121(a)-(g); added Nov. 16, 1990, Pub. L. 101-615, §22, 104 Stat. 3271; Oct. 24, 1992, Pub. L. 102-508, §507, 106 Stat. 3312.
5119(b)	49 App.:1819(b), (c).	
5119(c)(1)	49 App.:1819(d).	
5119(c)(2)	49 App.:1819(e).	
5119(c)(3)	49 App.:1819(f).	
5119(d)	49 App.:1819(g).	

In subsection (a), before clause (1), the words "As soon as practicable after November 16, 1990" are omitted as obsolete.

In subsection (c)(1), the words "Subject to the provisions of this subsection" and "to the Secretary" are omitted as surplus.

REFERENCES IN TEXT

The date of enactment of this subsection, referred to in subsec. (e), is the date of enactment of Pub. L. 109-59, which was approved Aug. 10, 2005.

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2005—Pub. L. 109-59 reenacted section catchline without change and amended text generally. Prior to amendment, section consisted of subses. (a) to (d) relating to establishment of working group, consultation and reporting, regulations, and relationship to other laws.

1996—Subsec. (b)(2), Pub. L. 104-287 substituted "Transportation and Infrastructure" for "Public Works and Transportation".

§ 5120. International uniformity of standards and requirements

(a) PARTICIPATION IN INTERNATIONAL FORUMS.—Subject to guidance and direction from the Secretary of State, the Secretary of Transportation shall participate in international forums that establish or recommend mandatory standards and requirements for transporting hazardous material in international commerce.

(b) CONSULTATION.—The Secretary may consult with interested authorities to ensure that, to the extent practicable, regulations the Secretary prescribes under sections 5103(b), 5104, 5110, and 5112 of this title are consistent with standards and requirements related to transporting hazardous material that international authorities adopt.