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2 Councilmember Charles Allen

Councilmember Mary M. Cheh

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7 Councilmember David Grosso

11 A BILL
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16 IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
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22 To amend An Act To classify the officers and members of the fire department of the District of
23 Columbia, and for other purposes to provide the state safety office within the Fire and
24 Emergency Medical Services Department with the authority to participate in carrying out
25 rail safety inspection activities and to coordinate with the state safety office of any state
26 with a rail system that operates in the District; and to amend An Act To authorize the
27 District of Columbia government to establish an Office of Civil Defense, and for other
28 purposes to require the DC Homeland Security and Emergency Management Agency to
29 receive and review rail transportation security plans.

31 BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this
32 act may be cited as the “Rail Safety and Security Amendment Act of 2015”.

33 Sec. 2. An Act To classify the officers and members of the fire department of the District
34 of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code
35 § 5-401 *et seq.*), is amended by adding a new section 1b to read as follows:

36 “Sec. 1b. Rail safety inspections and coordination.

37 “(a) The Program Manager of the state safety office, established by section 1a of this Act,
38 or his or her designee, shall have the authority to participate in carrying out safety inspection

39 activities in connection with any rule, regulation, order, or standard prescribed by the Secretary
40 of Transportation of the United States under 49 U.S.C. § 20101 *et seq.* as delegated to the
41 District by the Federal Railroad Administration.

42 “(b) The Program Manager, in performing safety inspection activities pursuant to
43 subsection (a) of this section, shall coordinate with the state safety offices of Maryland and
44 Virginia to ensure the use of uniform safety standards, security standards, and enforcement
45 mechanisms.

46 “(c) Pursuant to Title I of the District of Columbia Administrative Procedure Act
47 approved October 21, 1968 (82 Stat. 1205; D.C. Official Code § 2-501 *et seq.*), the Program
48 Manager may issue rules to implement the provisions of this section.”.

49 Sec. 3. Title II of An Act To authorize the District of Columbia government to establish
50 an Office of Civil Defense, and for other purposes, approved August 11, 1950 (64 Stat. 438; D.C.
51 Official Code § 7-2231.01 *et seq.*), is amended by adding a new section 211 to read as follows:

52 “Sec. 211. Rail safety and security plan review.

53 “(a) The Agency shall receive, review, and, consistent with applicable federal laws and
54 regulations, approve safety and security plans developed by a person that operates a rail carrier
55 within or through the District. The safety and security plans reviewed by the Agency shall
56 include:

57 “(1) The transportation security plan for hazardous materials, as required by 49
58 C.F.R. Part 172; and

59 “(2) The vulnerability assessments and security plans, as required by 6 U.S.C.
60 § 1162.

61 “(b) The Agency may work in collaboration with the state safety office, established by
62 section 1a of An Act To classify the officers and members of the fire department of the District
63 of Columbia, and for other purposes, approved June 20, 1906 (34 Stat. 314; D.C. Official Code
64 § 5-401.01), in reviewing and approving safety and security plans under subsection (a) of this
65 section.

66 “(c) The Agency shall, consistent with applicable federal laws and regulations and with
67 consideration of public safety and confidentiality that may be necessary for public security,
68 provide the Council with a semi-annual report that includes:

69 “(1) The amount of hazardous materials, as provided in 49 C.F.R. Part 172, that
70 were transported within or through the District by rail in the reporting period;

71 “(2) The inspection activities performed by the Agency in the reporting period;

72 and

73 “(3) The safety measures implemented by the Agency in the reporting period.

74 “(d) Pursuant to Title I of the District of Columbia Administrative Procedure Act,
75 approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), the Mayor shall
76 issue rules to implement the provisions of this section.”.

77 Sec. 4. Fiscal impact statement.

78 The Council adopts the fiscal impact statement in the committee report as the fiscal
79 impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,
80 approved December 24, 1973 (87 Stat. 813, D.C. Official Code § 1-206.02(c)(3)).

81 Sec. 5. Effective date.

82 This act shall take effect following approval by the Mayor (or in the event of veto by the
83 Mayor, action by the Council to override the veto), a 30-day period of congressional review as

84 provided in section 602(c)(2) of the District of Columbia Home Rule Act, approved December
85 24, 1973 (87 Stat. 788; D.C. Official Code § 1-206.02(c)(2)), and publication in the District of
86 Columbia Register.