

**SUMMARY OF THE MANAGER'S AMENDMENT**  
**H.R. 4016, THE "HAZARDOUS MATERIALS TRANSPORTATION SAFETY ACT OF 2009"**  
**FULL COMMITTEE MARKUP**  
**NOVEMBER 19, 2009**

- The amendment requires the Administrator of the Pipeline and Hazardous Materials Safety Administration (PHMSA), in coordination with the Administrator of the Federal Aviation Administration (FAA), to conduct research and testing to further evaluate the safety risks of transporting lithium cells and batteries on board aircraft. The research conducted must focus on the fire behavior of lithium cells and batteries; developing performance standards for fire-resistant containers; and fire detection and suppression and its effectiveness on the control or containment of fires involving lithium cells and batteries. Based on the results of the research, PHMSA and FAA are required to consider additional measures designed to enhance the safety of transporting lithium cells and batteries on board aircraft.
- The amendment requires the Secretary of Transportation (Secretary) to develop and implement a hazardous material research and analysis program aimed at reducing the risks associated with the transportation of hazardous material. The Secretary is also authorized to continue to support the hazardous material cooperative research program at the National Academy of Sciences.
- The amendment addresses the wet lines concerns raised by Members.
  - **New Manufactured Vehicles:** Currently, the bill eliminates wet lines on new manufactured trucks within 2 years after the date of enactment. That deadline is maintained but the amendment allows the Secretary to authorize any alternative means of compliance for new manufactured and existing trucks as long as that alternative provides an equivalent level of safety. This alternative means of compliance is also applicable to the existing fleet.
  - **Existing Fleet:** Extends the deadline to December 31, 2025. The Secretary may grant a waiver to a person extending that date if the Secretary finds that granting the waiver would be in the public interest.
  - **Worker Safety:** Requires the Secretary of Transportation and the Secretary of Labor is required to review and update existing safety standards to ensure that personnel who conduct any welding or other activities are protected to ensure worker safety.
- Requires the Secretary to transmit a report to Congress on cargo tank rollovers, based on recent research on the issue. The report must include any recommendations for addressing rollovers, including requiring stability control.
- Requires the Secretary to issue guidance to applicants for special permits and approvals that contains the criteria and procedures that the Secretary will utilize to determine that a person is fit, willing, and able to conduct the activity authorized by a special permit or approval. Interim guidance must be issued within 30 days and published in the Federal Register for public comment. Final guidance must be issued within 90 days.

- Ensures that fees will be used for the sole purpose of processing applications for special permits and approvals.
- Requires approvals to be issued within 180 days of a request for approval unless the Secretary determines that he cannot meet that deadline, in which case he must publish the reason for that in the Federal Register.
- Provides a process for incorporating certain activities authorized by a special permit in the regulations, based on a Departmental review, and requires the Secretary to determine whether any special permits issued prior to the date of enactment should be modified or revoked because the required safety level does not exist; it is inconsistent with the public interest; or the person holding the special permit is not fit, willing, and able to conduct the authorized activity.