



U.S. Department
of Transportation

Research and
Special Programs
Administration

Sep 27, 1989
The Administrator
SEP 27 1989

400 Seventh Street S.W.
Washington D.C. 20590

The Honorable James L. Kolstad
Acting Chairman
National Transportation Safety Board
800 Independence Avenue, S.W.
Washington, D.C. 20594

Dear Mr. Chairman:

This letter is in response to NTSB recommendation R-89-52 which was the result of the collision of two Iowa Interstate Railroad Ltd. (IAIS) freight trains within the yard limits of Altoona, Iowa, on July 30, 1989. The recommendation states as follows:

NTSB Recommendation

Establish procedures that require carriers reporting hazardous materials incidents under the provisions of 49 CFR 171.16 to notify shippers whose hazardous materials shipments are involved.

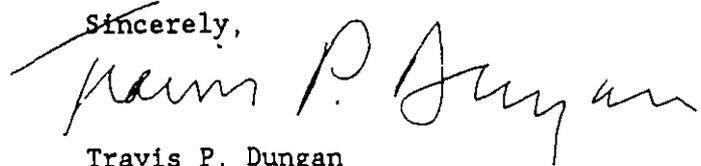
The intent of the recommendation is to ensure that shippers are aware of problems involving accidents to their packages during shipment so that they can take corrective action if necessary. There are regulations in place that address the issues. In June of 1989, we published a final rule under docket HM-126C which requires the shipper to have a 24-hour emergency telephone number on the shipping paper. This requirement will ensure that the shipper is aware that his material has been involved in a hazardous material transportation accident and will know the nature and circumstances involved including details of problems involving their tank cars or other packages. In addition, the shipper is notified during investigation procedures as the need arises as a result of problems related to packaging. There are also non-regulatory actions that address the issues; i.e., shippers are currently apprised of incidents through Overage, Shortage & Damage claims, through incident investigations and through entities such as CHEMTREC and emergency response organizations. We feel that there are sufficient mechanisms in place to deal with the problem and that HM-126C should be given sufficient time to be fully implemented before we impose another regulatory requirement that will accomplish the same objective.

Another concern is that the recommendation would impose a paperwork burden on the carriers which would not be cost effective. The NTSB recommendations goes beyond the original problem identified during the investigation. As proposed, it would apply not just to tank cars, but to all packages of hazardous materials and would considerably increase the cost, paperwork and complexity of hazardous materials transportation for carriers. For mixed freight shipments, an accident could result in a carrier having to notify dozens of different shipments, with no assurance that the information will get to the right person.



Enforcement actions, industry practice, and regulatory requirements such as those imposed under HM-126C are, in our opinion, sufficient alternative actions to insure that shippers are made aware of the need for corrective action for packages involved in accidents. As a result of the on-going alternative actions which are responsive to the intent of the recommendation, we request that R-89-52 be classified as "Closed-Acceptable Alternative Action".

Sincerely,

A handwritten signature in cursive script, appearing to read "Travis P. Dungan". The signature is written in dark ink and is positioned to the right of the word "Sincerely,".

Travis P. Dungan