



National Transportation Safety Board

Washington, D.C. 20594

January 19, 1990

Office of the Chairman

Mr. Travis P. Dungan
Administrator
Research and Special Programs Administration
400 Seventh Street, S.W.
Washington, D.C. 20590

Dear Mr. Dungan:

We have reviewed your letters of September 25, 1989, and September 27, 1989, in response to the National Transportation Safety Board's Safety Recommendations R-87-17 and R-89-52, respectively. Safety Recommendation R-89-52 was issued as a result of the July 30, 1989 collision of two freight trains at Altoona, Iowa, and addresses the need for carriers to notify shippers of hazardous materials whose shipments are involved in a hazardous materials incident. Safety Recommendation R-87-17 involves changing current Federal railroad regulations to ensure that railroad cars carrying hazardous materials are placed at a specified distance from the "end-of-train" in lieu of "occupied caboose." This safety recommendation was reiterated to the Research and Special Programs Administration (RSPA) as a result of the Altoona, Iowa accident and reclassified as "Open--Unacceptable Action" in view of RSPA's inordinate delay in addressing this issue in a rulemaking effort.

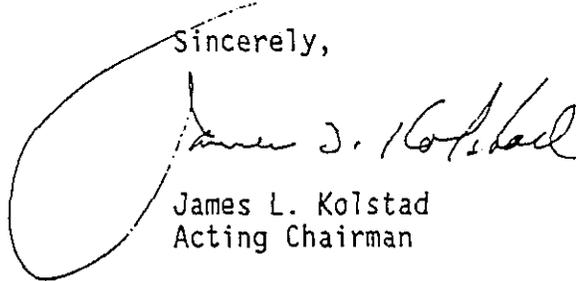
With regard to your comments concerning Safety Recommendation R-87-17, the Safety Board notes that the RSPA intends to implement the requirements of this safety recommendation through the continuation of a regulatory project that was started in 1987. Irrespective of any problems previously encountered by the RSPA in initially moving this regulatory project through the approval process, the Safety Board fails to understand why it would take 2 years to draft an Advance Notice of Proposed Rulemaking (ANPRM) on this matter, particularly since an NPRM on this subject was completed (but never published) in late 1987. **This recommendation will be held in an open status until you have advised us on the present status of this matter.**

With respect to your response to Safety Recommendation R-89-52, the Safety Board has reviewed the new regulations published under docket HM-126C which require the shipper to have a 24-hour emergency telephone number on the shipping paper. As you know, the Safety Board has supported the adoption of this requirement for a long time. However, these regulations do not require carriers to notify shippers of hazardous materials when their product(s) have been involved in an incident. In our July 14, 1989 letter, we suggested that a simple and cost-effective notification method would entail requiring carriers to provide the shippers with a copy of the written incident



report submitted to the RSPA. We do not agree with RSPA that this would impose an unacceptable paperwork burden on the carriers. Therefore, we ask the RSPA to reconsider the merits of this safety recommendation and advise us of your decision.

Sincerely,

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

James L. Kolstad
Acting Chairman