



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

The Administrator

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

JUL 17 2002

The Honorable Marion C. Blakey
Chairman
National Transportation Safety Board
Washington, DC 20594

Dear Madam Chairman:

This letter addresses the National Transportation Safety Board's Safety Recommendation H-99-57 issued to the Research and Special Programs Administration (RSPA). The recommendation was issued as the result of the Safety Board's investigation of a hazardous materials incident that occurred on August 9, 1998, in Biloxi, Mississippi. A truck driver employed by Premium Tank Lines, Inc. was transferring gasoline from a cargo tank to the underground storage tanks at a Fast Lane gasoline station-convenience store, when the underground storage tank containing gasoline overflowed. The gasoline ignited, fire engulfed three vehicles near the intersection, five persons died and another was seriously injured. The Board recommended that RSPA:

Promulgate regulations requiring motor carriers that transport hazardous materials in cargo tanks to develop and maintain specific written cargo loading and unloading procedures for their drivers. (H-99-57)

Currently, the Hazardous Materials Regulations (HMR), Title 49 Code of Federal Regulations Parts 171-180, include training requirements for hazardous materials employees. In addition to general awareness and safety training, each hazardous materials employee must be provided function-specific training concerning the requirements of the HMR applicable to the function or functions the employee performs (§ 172.702) and must be tested (§172.702). These function specific requirements include training for drivers of cargo tank motor vehicles covering all aspects of cargo tank operation. Thus, hazardous materials employees who load or unload cargo tanks must be trained to perform loading and unloading operations in accordance with applicable HMR requirements. The HMR training requirements provide motor carriers the flexibility to devise training programs tailored to specific operations and situations. They may be fulfilled through classroom instruction, written procedures, on-the-job training, videotaped presentations, or any other method or combination of methods appropriate to the needs and circumstances of the motor carrier. Hazardous materials employers must retain training records for their hazardous materials employees, which include a description of the training materials used to meet these requirements (§ 172.704(d)(3)).



In addition, the HMR require each operator of a cargo tank motor vehicle transporting a liquefied compressed gas to carry on the cargo tank motor vehicle a written emergency discharge control procedure (§ 177.840(1)). This requirement was developed as part of a negotiated rulemaking process that resulted in a comprehensive program to improve the safety of liquefied compressed gas unloading operations. Such unloading operations are frequently conducted by personnel at a consignee facility rather than the driver of the cargo tank motor vehicle. This requirement assures that information on handling an emergency that occurs during unloading is readily available to the person performing the unloading operation.

For the past year, the joint industry-government task force made up of representatives from the Research and Special Programs Administration (RSPA), the Federal Motor Carrier Safety Administration (FMCSA), the American Petroleum Institute, the Petroleum Marketers Association of America, the National Association of Convenience Stores, the Society of Independent Gasoline Marketers of America and the National Tank Truck Carriers, developed a consensus standard which provides written procedures for the loading and unloading of gasoline. The new recommended practice, *American Petroleum Institute (API) Recommended Practice 1007 - Loading and Unloading MC306/DOT406 Cargo Tank Motor Vehicles*, was published in April 2001. API has continuously distributed this document since it was originally authorized for publication.

Based upon RSPA's and FMCSA's actions, given the current HMR requirements related to training and the industry's adoption of the API Recommended Practice 1007 governing cargo tank loading and unloading operations, we request that H-99-57 be classified as "Closed - Acceptable Action."

If you have questions, please contact me or Ms. Suzanne Te Beau, Associate Administrator for Policy and Congressional Affairs, at (202) 366-4831.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Ellen G. Engleman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Ellen G. Engleman