



U.S. Department of Transportation  
Pipeline and Hazardous Materials  
Safety Administration

1200 New Jersey Ave, S.E.  
Washington, D.C. 20590

SEP - 1 2009

The Honorable Deborah Hersman  
Chairman  
National Transportation Safety Board  
490 L'Enfant Plaza, SW  
Washington, DC 20594

Dear Chairman Hersman:

Thank you for Acting Chairman Rosenker's May 12 correspondence in response to the Pipeline and Hazardous Materials Safety Administration (PHMSA) letter dated August 18, 2008 concerning National Transportation Safety Board's (NTSB) Safety Recommendation R-08-13. The recommendation was issued following the NTSB's investigation of a train derailment on October 20, 2006 in New Brighton, Pennsylvania. In that incident, Norfolk Southern Railway Company (NS) train 68QB119 derailed while crossing the Beaver River railroad bridge. The train consisted of three locomotives, 3 empty freight cars, followed by 80 tank cars loaded with denatured ethanol, a flammable liquid. Twenty-three of the tank cars derailed, twenty of which released ethanol, ignited and burned. The probable cause of the accident was determined to be a broken rail. As a result of this accident, NTSB issued a safety recommendation to PHMSA. The recommendation states:

**R-08-13**

With the assistance of the Federal Railroad Administration (FRA), evaluate the risks posed to train crews by unit trains transporting hazardous materials, determine the optimum separation requirements between occupied locomotives and hazardous materials cars, and revise 49 Code of Federal Regulations 174.85 accordingly.

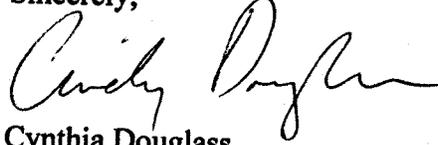
In your May 12 letter, the NTSB stated that "Without sufficient validation of the one-car buffer standard, the current regulations for the separation of hazardous materials cars from locomotives and their interpretation by the FRA, PHMSA, and the railroads create different levels of protection from hazardous materials for crews on board unit trains and general freight trains." PHMSA agrees with the NTSB that this is a difficult issue to resolve. A safety analysis may either validate the current regulatory standards, or provide the tools to develop more appropriate standards for optimum separation.

We will work with FRA to carry out NTSB's recommendation R-08-13 and provide periodic updates to the NTSB accordingly. PHMSA and FRA are preparing to initiate a research project to study the effectiveness of using buffer cars to separate the crew from hazardous materials cars in unit trains used for transporting hazardous materials. Pending the outcome of the study

PHMSA will work with FRA to initiate a rulemaking to clarify and revise the current requirements in Part 174 of the HMR related to the use of buffer cars.

We request that NTSB reclassify this safety recommendation at "Open Acceptable Response" based upon proposed research and analysis. We thank you for your consideration of our request.

Sincerely,

A handwritten signature in cursive script, appearing to read "Cynthia Douglass".

Cynthia Douglass  
Acting Deputy Administrator