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PHMSA Merges Rail Car Special Permits into Hazmat Regs *Reduces Paperwork Burdens, Maintains Safety Levels*

WASHINGTON – The Pipeline and Hazardous Materials Safety Administration merged the provisions of seven widely-used special permits for railroad tank cars into the Hazardous Materials Regulations (HMR) today, in accordance with the agency’s ongoing initiative to reduce regulatory burdens without lowering safety standards.

In a final rule published in the [Federal Register](#) today, PHMSA amended the HMR to allow certain practices that previously required a [special permit](#), for companies to be able to follow. PHMSA received public comments on the then-proposed rulemaking for 60 days beginning August 18, 2011.

“Our goal is to ensure hazardous materials are transported safely. If some of these transportation methods or procedures establish good safety records over the years, our regulations should reflect those changes,” said PHMSA Administrator Cynthia Quarterman.

Incorporating special permits like these into the HRM will provide users with greater flexibility, eliminate the need for numerous renewal requests, reduce paperwork burdens, and facilitate commerce while maintaining an appropriate level of safety.

Special permits are used to approve hazmat transport not explicitly authorized in the HMR, provided an equivalent level of safety is maintained. For more information, see the 2010 document by PHMSA’s Office of Hazardous Materials Safety titled “[Plan for Converting Special Permits into Regulations of General Applicability](#).”

PHMSA continues to prioritize its agency-wide pledge to review its regulations for entries that are obsolete or need to be updated, consistent with the president’s [Regulatory Review Initiative](#), which calls for federal agencies to check regulations for effectiveness, relieve the private sector of unnecessary burdens and regulations where costs outweigh benefits, and encourage feedback about these regulations from the public.

The agency has issued numerous proposals for rulemakings in recent months that would eliminate unnecessary regulatory requirements for a number of hazmat items, including [auto safety components](#) and a list of [miscellaneous amendments](#) to the [Hazardous Materials Regulations](#).

This rulemaking also responds to two petitions for rulemaking, P-1497, concerning the use of electronic shipping papers, and P-1567, concerning the removal of the Association of American Railroad's AAR-600 portable tank program for previously-adopted standards that meet or exceed the AAR-600 requirements.

In addition, this rule corrects an error that appeared in final rule published on May 14, 2010 [75 FR 27205], issued under Docket No. PHMSA-2009-0289 (HM-233A), by expanding Federal Railroad Administration approval oversight of certain toxic inhalation gases in DOT specification 105J400W tank cars with a maximum gross weight on rail greater than 263,000 pounds but not greater than 286,000 pounds.

The final rule becomes effective 30 days after the date of publication in the *Federal Register*. The final rule is available on the PHMSA website at <http://www.phmsa.dot.gov/hazmat/regs/rulemaking/final>.

The Pipeline and Hazardous Materials Safety Administration develops and enforces regulations for the safe, reliable, and environmentally sound operation of the nation's 2.5 million mile pipeline transportation system and the nearly 1 million daily shipments of hazardous materials by land, sea, and air. Please visit <http://phmsa.dot.gov> for more information.

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