



Office of the Chairman

National Transportation Safety Board

Washington, D.C. 20594

APR 26 2010

The Honorable Ray H. LaHood
Secretary
Department of Transportation
Washington, DC 20590

Dear Secretary LaHood:

Thank you for the April 1, 2009, letter and August 26, 2009, e-mail from Ms. Cynthia Douglass, then-Acting Deputy Administrator, Pipeline and Hazardous Materials Administration (PHMSA), and the October 16, 2009, letter signed by Mr. John D. Porcari, Deputy Secretary, Department of Transportation (DOT), to the National Transportation Safety Board (NTSB) regarding Safety Recommendation H-98-27, stated below. This recommendation was issued to the DOT as a result of the NTSB's investigation of the October 9, 1997, collision of a tractor/cargo tank semitrailer and a passenger vehicle resulting in a fire in Yonkers, New York. PHMSA has been corresponding on this recommendation on your behalf.

H-98-27

Prohibit the carrying of hazardous materials in external piping of cargo tanks, such as loading lines, that may be vulnerable to failure in an accident.

The NTSB notes that PHMSA has worked with (1) the tank truck industry, to identify best practices for fueling operations, maintenance procedures, and safeguard measures to avoid future wetlines incidents, and (2) the cargo tank industry and emergency responders, to improve awareness of the safety performance of cargo tank trucks. Although it is important to address these operational safety issues, as we stated in our September 4, 2008, correspondence to PHMSA, the intent of Safety Recommendation H-98-27 is to *prohibit* the unsafe practice of transporting fuel in wetlines. The NTSB is disappointed that PHMSA's efforts to date have not addressed the intent of this 11-year-old recommendation.

The NTSB was further disappointed by the withdrawal of the December 30, 2004, notice of proposed rulemaking (NPRM), "Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids." PHMSA's prolonged actions that have merely attempted to make fuel transport in wetlines safer do not improve the inherent design problem of the wetlines carrying flammable liquids nor do they satisfy this recommendation.

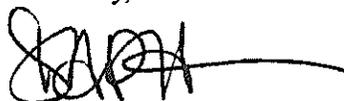
The NTSB was encouraged, however, to learn that PHMSA recently changed its position on this issue and is currently completing an in-depth, comprehensive review of incident reports involving cargo tanks transporting flammable liquids to assess the severity of the risk associated with transporting hazardous materials in wetlines. In addition, PHMSA is evaluating the effectiveness of existing purging systems and emerging technologies, as well as identifying

cost-effective strategies to reduce risk. PHMSA expects to publish an NPRM addressing Safety Recommendation H-98-27 in 2010.

On July 1, 2009, the NTSB investigated an accident involving an automobile that collided with a cargo tank semitrailer in Upper Pittsgrove Township, New Jersey. The automobile struck a wetline on the cargo tank truck, became wedged beneath the truck, had about 13 gallons of gasoline released onto it, and was then consumed by a postcrash fire. The wetline did not sever at the point where it was connected to the cargo tank; instead, approximately 6 feet of the wetline remained attached to the cargo tank after the accident, extending from where it was attached to the cargo compartment forward towards the piping manifold. The NTSB determined that the probable cause of the accident was the failure of the automobile driver to obey a stop sign equipped with flashing red lights. Contributing to the severity of the accident was a fire that resulted from the release of gasoline from the cargo tank loading line that was ruptured during the collision. The driver of the automobile was killed. The Gloucester County Medical Examiner's post-mortem report indicated that the cause of death was smoke and soot inhalation and severe thermal burns. The medical examination did not reveal any evidence of blunt trauma or fractures. This recent accident illustrates once again why the NTSB strongly believes that PHMSA should prohibit the unsafe practice of transporting flammable materials in the external loading lines of cargo tanks.

Although the NTSB is encouraged by PHMSA's renewed efforts to address this issue, the age of this recommendation, the lack of measurable progress to date toward satisfying its intent, and the fact that this unresolved issue contributed to the severity of another accident are unacceptable. Accordingly, Safety Recommendation H-98-27 is classified "Open—Unacceptable Response." The NTSB is willing to reconsider its position on this recommendation once preliminary rulemaking efforts to prohibit the practice of carrying hazardous materials in wetlines have been published.

Sincerely,



Deborah A.P. Hersman
Chairman

cc: The Honorable John D. Porcari,
Deputy Secretary
Department of Transportation

Ms. Cynthia L. Quarterman
Administrator
Pipeline and Hazardous Materials Safety
Administration

Ms. Linda Lawson, Director
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