



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

Administrator

1200 New Jersey Ave., S.E.
Washington, DC 20590

JUN 24 2010

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

Dear Chairman Hersman:

Thank you for your letter of April 26 regarding Safety Recommendation H-98-27, which recommended that the Secretary of Transportation “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.” This recommendation was issued by the National Transportation Safety Board to the U.S. Department of Transportation as a result of the Safety Board’s investigation of the collision between a U.S. DOT MC-306 cargo tank semi-trailer and a private passenger car in Yonkers, New York, on October 9, 1997. The collision damaged the cargo tank’s loading lines—containing gasoline—resulting in a subsequent fire.

The Pipeline and Hazardous Materials Safety Administration (PHMSA) continues to be concerned with the safety risks associated with the transportation of hazardous materials, including flammable liquids, in external piping (wetlines) of cargo tanks. Previous efforts to publish a final rule prohibiting this practice concluded that the quantifiable benefits accruing from such a prohibition would not justify corresponding costs. However, wetlines incidents continue to occur, such as the Upper Pittsgrove Township, New Jersey incident illustrated in your April 26, 2010, letter. Thus, PHMSA is currently exploring a renewed effort to prohibit the practice of transporting flammable liquids in unprotected wetlines and is now scheduled to publish a notice of proposed rulemaking (NPRM) addressing Safety Recommendation H-98-27 in the fall of 2010.

The PHMSA has completed a comprehensive review of incident reports occurring during the 10-year period from January 1, 1999 to December 31, 2008, which encompassed approximately 6,800 incidents. PHMSA identified 172 incidents during this period in which wetlines were determined to be damaged and/or ruptured, of which 18 incidents involved a fire. Of these incidents, 5 fatalities and 4 injuries resulted directly from the flammable liquid released from wetlines—that is, the fatalities and injuries resulted from a fire rather than blunt force trauma or some other event that would have occurred whether or not the wetlines were damaged. PHMSA also conducted an evaluation of the suitability of a purging system as a cost-effective method for removing flammable liquids from external piping on a cargo tank. Results from our comprehensive review and technology evaluation are being used to support development of a revised cost-benefit analysis for this rulemaking effort. We appreciate your willingness to

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reconsider your position on this recommendation upon publication of a NPRM that proposes to prohibit the transportation of flammable liquids in unprotected external piping on a cargo tank.

If I can provide further information or assistance, please feel free to call me.

Regards,

A handwritten signature in black ink, appearing to read 'C. Quarterman', with a long, sweeping horizontal flourish extending to the right.

Cynthia L. Quarterman

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

Dear Chairman Hersman:

Thank you for your letter of April 26, ²⁰¹⁰~~2009~~, regarding Safety Recommendation H-98-27. This recommendation was issued to the Department of Transportation (DOT) as a result of the Safety Board's investigation of the collision of a DOT MC-306 cargo tank semi-trailer and a private passenger car and subsequent fire in Yonkers, New York, on October 9, 1997. The Safety Board recommended the Secretary of Transportation:

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 Pipeline and Hazardous Materials Safety Administration (PHMSA) continues to be concerned with the safety risks associated with the transportation of hazardous materials, including flammable liquids, in external piping (i.e., "wetlines") of cargo tanks. As we have previously reported, efforts to publish a final rule to prohibit this practice concluded that the quantifiable benefits accruing from such a prohibition would not justify corresponding costs. However, in light of wetlines incidents that continue to occur such as the Upper Pittsgrove Township, New Jersey incident illustrated in your April 26, 2009, letter and based on urging from Congress, PHMSA continues to move forward with a renewed effort to prohibit the practice of transporting flammable liquids in unprotected wetlines and expects to publish a notice of proposed rulemaking (NPRM) addressing Safety Recommendation H-98-27 in the summer of 2010.

PHMSA has completed a comprehensive review of incident reports occurring during the 10-year period from January 1, 1999 to December 31, 2008, which encompassed approximately 6,800 incidents. PHMSA identified 172 incidents during this period in which wetlines were determined to be damaged and/or ruptured, of which 18 incidents involved a fire. Of these incidents, 5 fatalities and 4 injuries resulted directly from the flammable liquid released from wetlines – that is, the fatalities and injuries resulted from a fire rather than blunt force trauma or some other event that would have occurred whether or not the wetlines were damaged.

PHMSA also conducted an evaluation of the suitability of a purging system as a cost-effective

CONCURRENCES	
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INITIALS/SIG.	<i>[Signature]</i>
DATE	5/7/11
RTG. SYMBOL	PHH-11
INITIALS/SIG.	CEB
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INITIALS/SIG.	GT
DATE	5/7/10
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