



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

1200 New Jersey Avenue, SE
Washington, DC 20590

December 15, 2014

The Honorable Christopher A. Hart
Chairman
National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594

Dear Acting Chairman Hart:

This letter responds to the National Transportation Safety Board (NTSB) Safety Recommendation R-14-14. This recommendation was issued to the U.S. Department of Transportation as a result of a Conrail train derailment occurring on November 30, 2012. While traveling over a moveable bridge in Paulsboro, New Jersey, three tank cars containing vinyl chloride came to rest in Mantua Creek, of which one was breached and released about 20,000 gallons of vinyl chloride (a division 2.1 flammable gas). Nearby residents sought medical attention for possible exposure, and the train crew and many emergency responders were also exposed. Damage estimates were \$451,000 for equipment and about \$30 million for emergency response and remediation. We discuss one of the resultant recommendations issued to DOT below.

R-14-14

Require railroads transporting hazardous materials through communities to provide emergency responders and local and state emergency planning committees with current commodity flow data and assist with the development of emergency operations and response plans.

PHMSA agrees with the NTSB's conclusion that exchange of accurate information regarding hazardous material (hazmat) traveling through a community, and active participation by railroads in local emergency planning and preparedness, would result in safer and more efficient emergency responses to railroad accidents involving hazmat releases. We are actively engaged in a rulemaking to address safety hazards from rail transport of flammable liquids such as crude oil and ethanol.^a As part of the August 1, 2014 Notice of Proposed Rulemaking, we proposed a requirement for notification of State Emergency Response Commissions of crude oil transportation (for specific crude oil shipments). Commenters both supported and opposed this

^a Notice of Proposed Rulemaking (NPRM) Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains (HM-251) [August 1, 2014; 79 FR 45016] [Docket No. PHMSA-2012-0082].

measure. For those opposed, the consensus was that the applicability for notification would be too narrow.^b Specifically, commenters wanted the threshold quantity for applicability decreased; and the subject material to be expanded to include all Class 3 flammable liquid. This coincides with the NTSB's September 26, 2014 comment^c to the docket for this rulemaking urging PHMSA to fully address this recommendation (to apply to all classes of hazardous material) or, for purposes of the rulemaking, apply to all Class 3 materials at a minimum. Based on the comments to the rulemaking as well as this recommendation, we will take all options into consideration as we proceed with our rulemaking effort.

Additionally, we will continue to pursue our non-regulatory outreach efforts to affect exchange of information and railroad participation through the Transportation Community Awareness and Emergency Response (TRANSCAER®) program, in which PHMSA and the Federal Railroad Administration are active participants. PHMSA will encourage and support ongoing industry efforts such as CIRCULAR NO. OT-55-N issued by the Association of American Railroads.^d Furthermore, PHMSA provides grants through its Hazardous Materials Emergency Preparedness (HMEP) Grant Program, and those grants can be used to conduct commodity flow studies, among other things. A recent case study^e from North Carolina illustrates successful use of this program to obtain commodity flow data. In 2009, PHMSA awarded a grant to the North Carolina Division of Emergency Management to conduct a statewide study to document hazmat facilities and shipments by motor carrier, rail, pipeline and barge. The study was completed in 2013. One particular positive outcome of the study was that it realigned planning requirements to enhance response plans and public protective actions. We encourage more states to follow suit and will continue to promote the availability of HMEP planning grants for this purpose.

If we can be of further assistance or answer any additional questions, please do not hesitate to contact Dirk Der Kinderen, NTSB Program Manager, Office of Hazardous Materials, Standards Development Division at 202-366-4460 or at Dirk.DerKinderen@dot.gov.

Sincerely,



Timothy P. Butters
Acting Administrator

^b The proposed requirement applies to a single train of one million gallons of crude oil from the Bakken region.

^c Available for review at www.regulations.gov.

^d The circular is available at <http://www.boe.aar.com/CPC-1258%20OT-55-N%208-5-13.pdf>. It instructed railroads to assist with implementation of TRANSCAER by consenting to requests for commodity flow data and by assisting in developing emergency response plans.

^e More about the case study is available at:

<http://www.phmsa.dot.gov/portal/site/PHMSA/menuitem.6f23687cf7b00b0f22e4c6962d9c8789/?vgnextoid=5f0ffd16b0427410VgnVCM100000d2c97898RCRD&vgnnextchannel=d248724dd7d6c010VgnVCM10000080e8a8c0RCRD&vgnnextfmt=print>.