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

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

JAN 22 2008

The Honorable Mark V. Rosenker
Chairman
National Transportation Safety Board
490 L'Enfant Plaza, SW
Washington, DC 20594

Dear Chairman Rosenker:

This letter is a follow-up to our correspondence on August 9, concerning Safety Recommendations R-07-4 and R-07-5 issued to the Pipeline and Hazardous Materials Safety Administration (PHMSA). These recommendations were issued following the National Transportation Safety Board's (NTSB) investigation of a rail incident on July 10, 2005, in Anding, Mississippi. The head-on collision of two trains resulted in the derailment of 6 locomotives and 17 rail cars. Seven residue tank cars containing hazardous materials were among the cars that derailed. Approximately 15,000 gallons of diesel fuel were released from the locomotives and resulted in a fire that burned for 15 hours. Two crewmembers were on each train; all four were killed. The recommendations state:

R-07-4

With the assistance of the Federal Railroad Administration (FRA), require that railroads immediately provide to emergency responders accurate, real-time information regarding the identity and location of all hazardous materials on a train.

We agree that timely and accurate information concerning the identity and locations of all hazardous materials on a train is critical to effective emergency response. The Hazardous Materials Regulations (HMR) require railroads to maintain hazardous materials information on-board trains reflecting the position of cars in the train, and hazard information regarding the commodities transported in specific rail cars.

In response to several recent accidents, FRA approached the Association of American Railroads (AAR) to ask for its assistance in developing additional strategies and mechanisms to ensure that detailed and specific hazardous materials information, including the position of cars in the train, is readily available to emergency responders even when crew members are disabled or otherwise unable to contact responders at the scene. FRA conducted two meetings with AAR, various railroads, and emergency response organizations to discuss enhancements to the emergency response system that would ensure emergency responders have access to necessary information during accidents.

As a result of these meetings and based on a recommendation from FRA, in March 2005, AAR amended its Recommended Operating Practices Circular No. OT-55 G to establish procedures for rail carriers to provide local emergency response agencies with a ranked listing of the top 25 hazardous materials transported by rail through their communities. This information assists emergency responders to plan and train for specific chemical releases.

In addition, in July 2005, CSX Transportation (CSX) and CHEMTREC, the chemical industry's 24-hour emergency response hotline, initiated a pilot project to test improvements to the emergency response communication system. The pilot project allows CHEMTREC to immediately access specific train information, including hazardous materials documentation, from CSX's computer system. The system enables emergency responders to obtain virtually real-time information, either verbally or via electronic means, almost immediately after receiving notification of an incident or accident. The system relies in part on train position information on locomotives equipped with Global Positioning System (GPS) receivers.

In December 2006, CHEMTREC implemented a second pilot project to evaluate the utility for emergency response of Railinc Corporation's Freightscope™ service, which provides a web-based, interactive dashboard of near-real-time rail shipment location information for North America. The Freightscope™ system improved CHEMTREC's ability to provide real-time hazardous materials information about shipments on short line and regional railroads.

Also in 2006, Dow Chemical Company and CHEMTREC began a demonstration project intended to improve the visibility of rail shipments of materials that are poisonous by inhalation (PIH) materials. Dow has equipped about 800 tank cars used to transport PIH materials with GPS hardware and sensors. The sensors are designed to monitor changes to the condition of the dome on the tank car, chemical leaks, and car accelerations and to generate an alert when the sensor is triggered. The alert is sent to CHEMTREC, which then contacts the rail carrier or customer to address the condition identified by the alert.

FRA and PHMSA will continue to monitor the results of these pilot projects and will consider ways to encourage more widespread use of the tested technologies by railroads and emergency response agencies.

In addition to the emergency response demonstration projects, FRA and PHMSA are also examining ways to improve the accident survivability of rail tank cars used to transport PIH materials. We are considering both tank car design and operational factors that affect rail tank car safety and crashworthiness. We expect to publish a notice of proposed rulemaking early in 2008.

R-07-5

Require and verify that States and their communities that receive funds through the Hazardous Materials Emergency Preparedness grant program conduct training exercises and drills with the joint participation of railroads and other transporters of hazardous materials operating within their jurisdictions as a means of evaluating State, regional, and local emergency hazardous materials response plans.

PHMSA's Hazardous Materials Emergency Preparedness (HMEP) grants program provides Federal financial and technical assistance to States, Territories and Indian tribes to "develop, improve, and carry out emergency plans" within the National Response System and the Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA, Title III), 42 U.S.C. 11001 et seq. The HMEP grants program is funded by registration fees collected from persons who offer for transportation or transport certain hazardous materials in intrastate, interstate, or foreign commerce. Registration fees fund training and planning grants, monitoring and technical assistance, publication and distribution of the Emergency Response Guidebook (ERG), curriculum development, and staff costs to administer the program.

The planning grants are to be used for: 1) developing, improving, and implementing emergency plans under Title III to include conducting exercises and drills; 2) performing commodity flow studies; and 3) determining the need for regional hazardous material response. Training grants are to be used for training public sector employees to respond safely and efficiently to accidents and incidents involving the transportation of hazardous materials. The HMEP grants program provides grantees considerable flexibility in choosing eligible funding activities, and in reporting their planning, training, and grant use data. This flexibility helps grantees focus on planning and training activities best suited to their needs.

Grantees conducted 1,170 exercises using HMEP grant funds in fiscal year 2006. HMEP grant funds have been used to help fund emergency responders attendance at a Transportation Community Awareness and Emergency Response (TRANSCAER) whistle stop tour and safety train activities in Nebraska in fiscal year 2007. TRANSCAER is a voluntary national outreach effort sponsored by several industry trade associations that focuses on assisting communities prepare for and respond to a possible hazardous material transportation incident. The TRANSCAER whistle stop training tour in Nebraska focused on the production, packaging and shipping of ethanol and provided hands-on training using actual rail and motor carrier equipment. Next year, HMEP grant funds will be used to fund similar activity in Iowa.

In addition, PHMSA staff has participated, and continues to actively participate in TRANCAER program activities nationally. We also provide training and outreach materials for this important outreach initiative. We are exploring additional areas for cooperation. For example, we believe that certain renewable fuels present unique emergency response problems that could be addressed through specialized training and drills. PHMSA continues its close coordination with the Renewable Fuels Association to ensure emergency problems are identified and resolved. PHMSA is also working with the International Association of Fire Chiefs' Hazmat Committee to further explore methods to communicate hazards and identify exercise opportunities.

In response to NTSB recommendations as well as our efforts to better align grantee's performance with our hazardous materials performance goals, PHMSA plans to review a sample of drills and exercises to determine their effectiveness as means of evaluating State, regional, and local emergency hazardous materials response plans. Based upon the findings of the review, PHMSA will then issue guidance and/or rules to address the NTSB recommendations.

Finally, the National Response Team (NRT) Training and Curriculum Subcommittee, co-chaired by PHMSA and the Federal Emergency Management Agency's United States Fire Administration provides a forum for resolution of interagency hazmat planning and training issues. We placed the issues raised in your recommendation on the Subcommittee agenda and moderated a thorough discussion of the recommendation and possible actions to address it. The NRT Subcommittee will assist PHMSA with reviewing a sample of drills and exercises and is currently considering protocols for local responders to use when working with the rail industry.

Based upon the on-going activities that PHMSA is currently conducting, we request that you classify recommendation R-07-4 and R-07-5 as "Open-Acceptable Action." We thank you for your consideration of our request.

If you have any questions, please contact me at (202) 366-4433.

Sincerely,

Stacey L. Gerard
Assistant Administrator/Chief Safety Officer