

February 26, 2009



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety Administration**

East Building, PHH – 30
1200 New Jersey Avenue, Southeast
Washington, D.C. 20590

DOT-SP 7991
(NINTH REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of flagging kits of specified construction, containing certain Class 1.4 and 4.1 materials, not subject to the Hazardous Materials Regulations (HMR) except as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
 - c. Unless otherwise stated herein, this special permit consists of the special permit authorization letter issued to the grantee together with this document.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR 171-180, except as specified herein.
5. BASIS: This special permit is based on the Pipeline and Hazardous Materials Safety Administration's (PHMSA) editorial review under § 107.121 initiated on December 4, 2008.

6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Articles, pyrotechnic <i>for technical purposes</i>	1.4G	UN0431	II
Fusee (<i>railway or highway</i>)	4.1	NA1325	II
Signal devices, hand	1.4S	UN0373	II
Signal devices, hand	1.4G	UN0191	II
Signals, railway track, explosive	1.4S	UN0193	II

7. SAFETY CONTROL MEASURES:

a. Packagings authorized are:

(1) A flagging kit consisting of a two compartment container constructed of 24 gauge galvanized steel. Each compartment must be equipped with a cover and latching device. Each packaging may contain a maximum of 12 fusees and 36 railway torpedoes.

(2) A flagging kit identified in the applicant's request as PPSC #50056-2, PPSC #50026-18. Each packaging may contain a maximum quantity of 12 fusees and 36 railway torpedoes.

(3) A flagging kit constructed in accordance with Consolidated Rail Corporations drawing D-49053-B. Each packaging may contain a maximum of 36 fusees and 36 railway torpedoes.

b. Compartments for railway torpedoes must be equipped with a spring loaded positive locking device. Each compartment may contain only one type of device.

February 26, 20098. SPECIAL PROVISIONS:

a. Packagings may be transported only on Maintenance-of-way vehicles or other railroad motor vehicles such as Car Department, Signal Maintainers, or Operating Department motor vehicles, including privately owned motor vehicles under the direct control of on-duty railroad employees.

b. No more than 6 flagging kits may be transported at any one time on any motor vehicle.

c. All materials described in paragraph 6 must be kept in closed flagging kits whenever they are not being used on the railroad right-of-way. Personnel may not open the flagging kits during such time as they are driving the vehicle or when it is located on other than railroad property.

d. When flagging kits are left in unattended motor vehicles on non-railroad property they must be locked, locked inside the vehicle, or stored in a locked compartment on the motor vehicle.

e. A current copy of this special permit must be kept on file and be made available to any state and/or local agency that requests a copy.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each motor vehicle used to transport packages covered by this special permit.11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.

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- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when the special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Theodore L. Willke
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

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Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at

http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm

Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: kah