



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

NOV 25 2008

Mr. Robert E. Fronczak
Assistant Vice President Environment & Hazmat
Association of American Railroads
50 F Street, NW
Washington, DC 20001

Ref. No. 08-0240

Dear Mr. Fronczak:

This responds to your September 26, 2008 letter requesting clarification of the emergency response information requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether evacuation statements are a necessary part of the emergency response information required by § 172.602(a).

In accordance with § 172.602(a), "emergency response information" is information that can be used to mitigate a transportation accident involving hazardous materials. The information must include immediate precautions to be taken in the event of an accident or incident (§ 172.602(a)(4)). Depending on the hazard characteristics and quantity of the material being shipped, such immediate precautions could include evacuation of the area surrounding the accident scene. If so, the emergency response information must include information to assist first responders to take the actions necessary to evacuate the scene, including appropriate evacuation distances.

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

Susan Gorsky
Acting Chief, Standards Development
Office of Hazardous Materials Standards



ASSOCIATION OF
AMERICAN RAILROADS

Safety and Operations

Robert E. Fronczak, P.E.

Assistant Vice President Environment & Hazmat

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§172.600
§172.602
Emergency Response
Information
08-0240

September 26, 2008

Mr. Edward Mazzullo
Director of Hazardous Materials Regulation PHH-10
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
Washington, DC 20590

Subject: Interpretation Concerning the Need for Evacuation Statements

Dear Mr. Mazzullo:

The Association of American Railroads would like an interpretation under the Hazardous Materials Regulation 49 CFR §172.600 and §172.602 regarding the emergency response information required under and §172.602(a) items 1 through 7.

AAR has interpreted this section to mean that evacuation statements are not needed to fulfill the requirement for emergency response information. The specific statement needing interpretation is §172.602(a)(4) which states "Immediate precautions to be taken in the event of an accident or incident". Your confirmation of this interpretation is requested.

Thank you for your time and attention to this matter. AAR looks forward to your interpretation of the above mentioned statement.

Sincerely,

Robert E. Fronczak, P.E.