

# Railroad Safety Advisory Committee Hazardous Materials Issues Recommendation VOTE

**From:** Woolverton, Larry (FRA)  
**Sent:** Wednesday, April 9, 2014 12:51 PM  
**To:** RSAC Committee'  
**Subject:** RE: Railroad Safety Advisory Committee Hazardous Materials Issues Recommendation VOTE RESULTS  
**Importance:** High

Railroad Safety Advisory Committee Members & Alternates, by a majority vote the Railroad Safety Advisory Committee has approved the consensus recommendations from the Hazardous Materials Issues Working Group and these recommendations will be submitted as the Committees recommendations to the FRA Administrator.

Regards,

LARRY W. WOOLVERTON

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**From:** Woolverton, Larry (FRA)  
**Sent:** Tuesday, April 01, 2014 10:08 AM  
**To:** RSAC Committee  
**Subject:** Railroad Safety Advisory Committee Hazardous Materials Issues Recommendation VOTE  
**Importance:** High

Railroad Safety Advisory Committee Members & Alternates, as discussed during the March 6 RSAC Committee meeting, please find the consensus recommendations from the Hazardous Materials Issues Working Group attached for your consideration and an electronic ballot to cast your vote.

Six (6) final recommendations were considered by the Working Group and four (4) were approved by consensus vote in the following subject areas;

- **Recommendation #1** - Definition of residue.
- **Recommendation #3** - Guidance document language for securement of tank cars on private track.
- **Recommendation #4** - PHMSA re-engage their regulatory authority over certain aspects of loading, unloading and storage of tank cars containing hazardous materials. Examples include storage to loaded tank cars on private track, and unit train loading operations.
- **Recommendation #5** - Amending Appendix A train definitions; one (rather than five) tank cars loaded with PIH commodities, and a restatement of the quantity of explosive materials.

**\*\*NOTE\*\*** Recommendations #2 and #6 were not approved by the Hazardous Materials Issues Working Group and were removed from the document.

The attached regulatory text and guidance document language represents the consensus recommendations of the Working Group regarding RSAC Task 13-02; Hazardous Materials Issues and is submitted for your vote. (Document titled "RSAC Task 13-02 Consensus Recommendations") The task statement was attached for your reference.

You are requested to complete the attached electronic ballot and return it to my attention electronically by no later than close of business on **Tuesday, April 8, 2014.**

Please contact me with any questions.

Regards,

LARRY W. WOOLVERTON

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## **RSAC 13-02 Consensus Recommendations**

### **Recommendation 1**

Propose to amend the definition of Residue as follows.

#### **§171.8 Definitions and abbreviations.**

***Residue* means the hazardous material remaining in a packaging, including a tank car, after its contents have been unloaded to the maximum extent practicable and before the packaging is either refilled or cleaned of hazardous material and purged to remove any hazardous vapors. The extent practicable means an unloading facility has unloaded a bulk package using properly functioning service equipment and plant process equipment.**

### **Recommendation 3**

Proposed wording for a recommended practice document.

#### **Securement and security of loaded hazardous materials cars on private track**

It has come to FRA's attention that cuts of loaded hazardous materials cars are being stored on track that is exclusively leased, and meets the definition of private track, but that may not be adjacent to a shipper or consignee facility. These stored cars are of great concern to the general public living in nearby communities. The cars are being stored in other locations simply for available space reasons – there isn't available storage space closer to a consignee facility. If the cars are stored on track that meets the definition of "private track" they are considered to be no longer in transportation, and the hazardous materials regulations do not apply. Nonetheless, FRA strongly recommends the following as best practices that may enhance the safety and security of stored hazardous materials cars.

FRA recommends that companies (party in control of private track as defined in §171.8) review the private track locations where cuts of hazardous materials cars (20 or more cars) are regularly stored to determine the following:

1. Whether additional attendance, monitoring, or other security measures may be appropriate;
2. Whether an adequate and appropriate number of handbrakes are set on the cuts of cars that will ensure that there is no unintended movement of the cars;
3. Whether all of the hazard communication information (placards, emergency response information) be maintained as they would if the cars were in transportation, and that this information may be available to emergency responders if requested.

We believe these recommended best practices will further the safety and security of hazardous materials shipments stored on private track.

#### **Recommendation 4**

In 2003, the Research and Special Programs Administration (RSPA), the predecessor agency to PHMSA, clarified its regulatory jurisdiction over the loading, unloading, and storage of hazardous materials. 68 Fed. Reg. 61906 (October 30, 2003). The intent was to clarify where transportation began and ended, and thus, where PHMSA jurisdiction began and ended. In the rail mode, certain aspects of the storage, loading, and unloading of hazardous materials to and from rail tank cars were no longer regulated, and those requirements were removed from the CFR. The thought was that the loading, unloading, and storage were more appropriately workplace issues better addressed by an agency such as OSHA. PHMSA continued to regulate certain “pre-transportation functions” that it believed were clearly tied to transportation safety, such as the securement of closures on rail tank cars after loading but before offering the package to a carrier. This proposal is not intended to change the current regulation of OSHA over workplace safety issues related to loading, unloading, and storage of railroad tank cars.

As certain industries that ship hazardous materials by rail have evolved, and as some loading, unloading, storage, and transportation practices have changed, FRA believes it may be appropriate for PHMSA to re-engage on these subjects. FRA believes that there may be aspects of these procedures that directly affect transportation safety, and that it would be appropriate for PHMSA to regulate them.

#### **Recommendation 5**

Align definition of Appendix A train with “Key Train” from OT-55-N.

#### **Appendix A to Emergency Order 28**

Any train transporting:

- (1) (1) one or more tank car loads of materials poisonous by inhalation as defined in 49 CFR 171.8, and including anhydrous ammonia (UN 1005) and ammonia solutions (UN 3318); or
- (2) 20 or more rail car loads or intermodal portable tank loads of any material listed in (1) above, or bulk car loads Division 2.1 flammable gases, Class 3 flammable liquids, or hazardous substances listed in 49 CFR 173.31(f)(2); or rail car loads of packages of Division 1.1 or 1.2 explosives.