



U.S. Department
of Transportation

Pipeline and
Hazardous Materials
Safety Administration

DOT-SP
(FOURTH REVISION)

EXPIRATION DATE: June 30, 2006

SPECIAL PERMITS

Application Procedures and Compliance Responsibilities

2. **PURPOSE AND LIMITATION:** This special permit authorizes the transportation of hazardous materials used to support the recovery and relief efforts from or within the Hurricane Katrina and Rita area under conditions that may not meet the Hazardous Materials Regulations (HMR) other than those specifically stated herein.

3. **REGULATORY SYSTEM AFFECTED:** 49 CFR Parts 101, 172, and 173.



Hazardous Materials listed in the 49 CFR other than radioactive materials	Class/Division	Identification Number
	Class 1, 2, 3, 4, 5, 6, 8, 9	As Applicable

SAFETY CONTROL MEASURES: Compliance with the HMR is to the extent practicable. When compliance with the HMR is not possible or practicable, shipments may be offered transported under alternative safety requirements to the grantee.

SPECIAL PROVISIONS: Operations under this special permit limited to the grantee.

9. **MODES OF TRANSPORTATION AUTHORIZED:** Motor vehicles, rail freight, cargo vessel, cargo aircraft only.

10. **MODAL REQUIREMENTS:**

- The shipper must provide written notification to the carrier of the hazardous material and packaging being offered at the time the shipment is initiated.
- Bulk transportation of hazardous materials by rail freight is not authorized under this special permit.

Issued in Washington, D.C.:



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of Transportation
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Safety Administration

For ***FASTEST*** Processing



SPECIAL PERMITS
and APPROVALS

ONLINE

APPLY ONLINE!

<http://www.phmsa.dot.gov/>

WHAT ARE SPECIAL PERMITS?

Special permits are documents issued to ensure the safe transportation of hazardous materials (hazmat) when not otherwise permitted in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180), or technology has advanced at such a rapid pace that transportation controls for the technology have not yet been incorporated into the regulations.

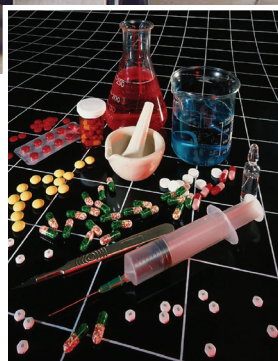
BACKGROUND

The November 1, 1903, explosion of a freight car loaded with dynamite in Crestline, Ohio, set in motion a series of events leading to radical changes in the way the Federal government monitors the transportation of hazmat in commerce, beginning in 1908, when Congress granted the Interstate Commerce Commission (ICC) authority to regulate the transportation of explosives. Since those beginnings, the U.S. Department of Transportation's (DOT) hazmat program has evolved into a broad and comprehensive safety, security, and training program governing the transport of a wide variety of materials essential to our economy and way of life. From medicines, household cleaners, fuel, and batteries to radioactive, toxic, and explosive materials, each day more than 1.2 million shipments of hazmat—ranging



Similar to the 1903 dynamite explosion, a repeat accident occurred in 1906 aboard the Buffalo, Rochester & Pittsburgh Railroad near Ridgway, PA.

from a few ounces to thousands of gallons—move safely via truck/tanker, rail, air, or vessel, across interstate and international boundaries, averaging hundreds of millions of shipments annually.



Federal hazardous materials transportation law (Federal hazmat law; 49 U.S.C. 5101 et seq.) authorizes DOT to issue variances—termed special permits—from the HMR in a way that achieves a safety level at least equal to the safety level required under Federal hazmat law, or consistent with the public interest if a required safety level does not exist. This authority is delegated to DOT’s Pipeline and Hazardous Materials Safety Administration (PHMSA).

Special permits provide safe alternatives to the HMR and typically address situations where it may not be possible for Government or industry to comply with specific HMR requirements, such as for certain military operations, recovery from natural disasters or terrorist events, or to permit the use of innovative technologies not yet accommodated in the HMR. Special permits

afford the agency a means to address unexpected transportation situations and to minimize unnecessary delays of shipments that could be detrimental to safety and the economic vitality of our Nation.

DISASTER RELIEF AND EMERGENCY SPECIAL PERMITS

PHMSA also issues emergency special permits to aid and provide relief during special circumstances such as natural disasters or anti-terrorism and military operations. For example, PHMSA issued emergency special permits for the transport of anthrax-contaminated materials following the September 11th attacks, and the rapid deployment of U.S. troops supporting Operations Enduring and Iraqi Freedom. Emergency special permits provided for the rapid transportation of generators,



much-needed fuels, and cleanup and removal of hazmat released in New Orleans, and surrounding states, following the devastating effects of Hurricane Katrina. Emergency special permits also allow for the delivery of heating fuel or medical supplies when unexpected circumstances arise during severe weather, transport accidents (including pipeline incidents), or transport worker strikes. Emergency

processing only applies when the special permits are necessary to prevent significant injury to persons or property not preventable under normal processing, for immediate national security, or to prevent significant economic loss. To qualify for emergency treatment, the application must meet specific criteria, and justifications must be well documented and describe the impact if the special permit is not granted.



Following Hurricane Katrina, emergency generators were trucked to the devastated areas under special permits.

APPLYING FOR A SPECIAL PERMIT

Procedures for applying for a special permit are in 49 CFR Part 107, Subpart B. Your application must include the following information:

1. A citation of the specific regulation from which the applicant seeks relief;
2. Specification of the proposed mode or modes of transportation;
3. A detailed description of the proposed special permit (e.g., alternative packaging, test, procedure or activity) including, as appropriate, written descriptions, drawings, flow charts, plans and other supporting documents;
4. A specification of the proposed duration or schedule of events for which the special permit is sought;
5. A statement outlining the applicant's basis for seeking relief from compliance with the specified regulations and, if the special permit is requested for a fixed period, a description of how compliance will be achieved at the end of that period;
6. If the applicant seeks emergency processing specified in §107.117, a statement of supporting facts and reasons;
7. Identification and description of the hazardous materials planned for transportation under the special permit;
8. Description of each packaging, including specification or special permit number, as applicable, to be used in conjunction with the requested special permit;
9. For alternative packagings, documentation of quality assurance controls, package design, manufacture, performance test criteria, in-service performance and service-life limitations.
10. When a Class 1 material is forbidden for transportation by aircraft except under a special permit (see Columns 9A and 9B in the hazmat table; 49 CFR 172.101), an applicant for a special permit to transport such Class 1 material on passenger-carrying or cargo-only aircraft with a maximum certificated takeoff weight of less than 12,500 pounds must certify that no person within the categories listed in 18 U.S.C. 842(i) will participate in the transportation of the Class 1 material.

APPLYING FOR A SPECIAL PERMIT (cont.)

In addition, you must demonstrate that the special permit achieves a level of safety at least equal to that required by regulation or, if the required safety level does not exist, that the special permit is consistent with the public interest. At a minimum, the application must include:

1. Information describing all relevant shipping and incident experience of which the applicant is aware that relates to the application;
2. A statement identifying any increased risk to safety or property that may result if the special permit is granted, and a description of the measures to be taken to address that risk; and
3. Either:
 - (i) Substantiation, with applicable analyses, data or test results, that the proposed alternative will achieve a level of safety that is at least equal to that required by the regulation from which the special permit is sought; or
 - (ii) If the regulations do not establish a level of safety, an analysis that identifies each hazard, potential failure mode and the probability of its occurrence, and how the risks associated with each hazard and failure mode are controlled for the duration of an activity or life-cycle of a packaging.



Special Permits were issued to NASA when the *Phoenix* spacecraft was transported by flatbed truck to Kennedy Space Center's Payload Hazardous Servicing Facility, FL.

SUBMITTING AN APPLICATION

To **streamline** and **expedite** the processing of special permit and approval applications, on **May 1, 2010**, PHMSA launched a **new on-line application process** that:

- Allows application access 24/7,
- Provides immediate confirmation of application,
- Provides an instant tracking number,
- Stores pre-populated fields, allowing ease of multiple applications,
- Allows attachment of supporting documentation,
- Asks required information, ensuring applications are complete,

all which will

- **Enable faster processing/turnaround time.**

The on-line special permit and approval application process is just a click away: <https://hazmatonline.phmsa.dot.gov/Online%20Approvals/pages/welcome.aspx>. All special permit and approval customers are strongly encouraged to take advantage of this new, easy, efficient, automated application process, in lieu of the traditional method of application submission via standard mail, e-mail, or FAX.

However, you can still e-mail, mail, or FAX your application and all supporting documentation to:

E-mail: specialpermits@dot.gov

Associate Administrator for Hazardous Materials Safety
Attn: Special Permits, PHH-31
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation
1200 New Jersey Ave, SE
Washington, D.C. 20590-0001

FAX: (202) 366-3753 or (202) 366-3308

APPLICATION REVIEW PROCESS

PHMSA will review your application to ensure that the required information is included, assess whether the measures proposed for the special permit provide an equivalent level of safety as required in the regulations, and evaluate your fitness to conduct the operations requested in the application. PHMSA independently reviews and evaluates the information provided in the special permit application to determine that it will achieve an equal level of safety as provided by the HMR or, if not, that it is consistent with the public interest. This review includes a technical analysis of the alternative(s) proposed in the application, an evaluation of your past compliance history (including incident history, enforcement actions, and the like), and coordination with the Federal Motor Carrier Safety Administration (FMCSA), Federal Railroad Administration (FRA), Federal Aviation Administration (FAA), and/or the U.S. Coast Guard to gather additional information relevant to your application and ensure the agencies' concurrence with PHMSA's conclusions.

In addition, PHMSA will publish your application in the *Federal Register* for a 30-day comment period — 15-day comment period for modification of an existing special permit. Comments are made part of the record and may provide useful data and information to ensure that the proposed operations provide an equivalent level of safety.

PHMSA may approve or deny your application, in whole or in part, or may impose additional provisions based on the safety and fitness evaluations and/or public comments received. Summaries of approved special permits are published in the *Federal Register* and are posted on: <http://phmsa.dot.gov/hazmat/regs/sp-a>

MONITORING COMPLIANCE AND ENSURING SAFETY

Responsibility for compliance with the terms of a special permit falls directly on the person or company authorized to perform specific functions under the terms of the special permit. To ensure that special permits are used safely and in accordance with the



required terms and conditions, DOT investigators from PHMSA, FMCSA, FRA, and FAA, as well as the U.S. Coast Guard routinely conduct compliance and safety inspections to ensure that the company using the special permit complies with its terms and continues to be fit to conduct the authorized operations. A special permit may be modified, suspended, or terminated if the performance of the grantee using the special permit is, among other things, found to be unfit to perform the specified functions, or the grantee fails to meet required conditions. This inspection and safety monitoring process allows PHMSA to safely implement new technologies under controlled circumstances and in a manner that affords appropriate oversight prior to fully accommodating them within the regulations, and provides greater benefit and flexibility.

FREQUENTLY ASKED QUESTIONS

The following questions/answers provide additional information on the processes involved in obtaining special permits, as detailed in the HMR. Our website offers additional information as well as the ability to view approved special permits:

<http://phmsa.dot.gov/special-permits-approvals>

Q Under what circumstances do I need a special permit?

A A special permit authorizes a person/company/agency to perform a function not currently authorized under the HMR or to meet a safety requirement using an alternative method to that authorized under the HMR. A special permit may be granted for technological advances and innovations, alternative shipping arrangements, new packaging methods, or improved manufacturing and testing processes. A special permit allows the use of new technologies in a limited, controlled, and safe manner and tests whether they should be considered for broad application through adoption into the HMR.



Special permits are issued for farming applications to ensure that fertilizer can be safely and efficiently transported to the fields where it is applied.

Q How do I apply for a special permit?

A You must submit an application in accordance with the provisions of 49 CFR, Part 107, Subpart B. We encourage filing your request via our new on-line application process that, among other things, allows for faster processing/turnaround time: <https://hazmatonline.phmsa.dot.gov/Online%20Approvals/pages/welcome.aspx>.

However, you can still e-mail, mail, or FAX your application to:

E-mail: specialpermits@dot.gov

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FAX: (202) 366-3753 or (202) 366-3308

Q Other than completing the application, is there anything specific I need to know or submit?

A The application procedures do not prescribe a specific application form. You must submit the information outlined in 49 CFR § 107.105. Do not include false or misleading statements in your application. Be aware that you may need to respond with additional information within 30 days. At a minimum, your application must include (see also pp. 5 and 6):

- Verification that your proposed activity meets or exceeds an equal level of safety to the HMR.

- POC information such as name, address, and telephone number.
- Section/chapter of the regulation(s) from which you seek relief.
- Statement outlining the basis of need for relief, including proposed duration.
- Detailed description of the activity for which special permit is required, including necessary drawings, flow charts, plans, etc.
- Lab reports, safety data reports, etc., if required.
- Hazmat to be transported.
- Transport mode(s) affected.
- Whether there is an increased risk to safety or property that could be affected by the special permit based on a comparison of what the regulations require versus what is being proposed.

Q Are specific justifications needed?

A Yes. You must:

- Provide a comprehensive safety review and risk analysis indicating how the special permit provides an equivalent level of transport safety as is provided in the HMR; or
- Indicate how the special permit is consistent with the public interest; and
- Indicate measures taken to mitigate any increased risks to safety and property.

Q Must I be a U.S. resident to request a special permit?

A No. However, if you are not a U.S. resident, you must designate an agent for service in accordance with 49 CFR § 105.40.

Q If another entity has been granted a special permit, may I also use it for the same purpose?

A Yes. You may apply to become a party to an application or a current special permit, other than a manufacturing special permit, using the procedures in 49 CFR § 107.107. You are subject to all obligations of the special permit and an evaluation of your safety fitness.

Q I have been granted a special permit. Now what?

A It is your responsibility to:

- Read the special permit completely and thoroughly to make sure you understand all of the conditions and limitations it includes.
- Make sure your employees are trained so that they also understand and can apply the terms and conditions of the special permit, including the reporting requirements.
- When conducting operations under the special permit, comply with all of the terms and conditions specified.

Q May a special permit be modified, suspended, or terminated?

A Yes. Your special permit may be modified, suspended, or terminated if:

- The operations authorized under the special permit do not meet performance expectations.
- We discover that you provided inaccurate or incomplete information.
- You experience several accidents or other safety problems while using the special permit.
- We discover violations of the special permit or the HMR that call into question your fitness to conduct activities authorized under the special permit.

Q Whom may I contact with questions?

A Telephone: (202) 366-4535
E-mail: specialpermits@dot.gov



For information about other
Hazmat Publications or training questions:

Visit our website: <http://hazmat.dot.gov>

Phone: (202) 366-4900

Fax: (202) 366-7342

E-mail: training@dot.gov

Or write:

U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**
1200 New Jersey Avenue, SE, PHH-50
Washington, DC 20590-0001



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