



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

NOV 17 2010

The Honorable Deborah Hersman
Chairman
National Transportation Safety Board
490 L'Enfant Plaza SW
Washington DC 20594

Dear Chairman Hersman:

Thank you for your March 17, 2008 correspondence concerning the National Transportation Safety Board (NTSB) Safety Recommendation R-07-05. The recommendation was issued following the NTSB's investigation of the collision of two Canadian National Railway Company freight trains near Anding, Mississippi, on July 10, 2005. The recommendation states:

R-07-05

Require and verify that States and their communities that receive funds through the Hazardous Materials Emergency (HMEP) 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 response plans.

PHMSA can promote, encourage, and authorize funding for specific emergency response planning and training exercises such as the one described above—and we do. But, we cannot direct that States use the funds for a specific exercise. Let me explain.

The Hazardous Materials Transportation Act (HMTA), as modified by the Hazardous Materials Transportation Uniform Safety Act (HMTUSA) of 1990, Section 117A, authorized DOT to make grants available to States, Territories, and Native American Tribes to conduct planning for and training of public sector employees who respond to emergencies (responders).

To achieve these legislated responsibilities, DOT established the HMEP Grant Program. The implementing regulations for the program (49 CFR 110) require states that desire funding to apply to PHMSA and describe how they intend to use the funding. All projects to be funded must fall under an activity eligible for funding. PHMSA approves a state's funding request so long as the projects meet the regulatory criteria. The long standing philosophy of this program is that a state is in a better position than the federal government to determine its needs for emergency response planning and training.

The Safety Board notes PHMSA's agreement that effective emergency response depends on thorough, accurate real-time information, planning and training. PHMSA is examining (1) ways to improve the availability of accurate and immediate information for emergency responders at the scene of an accident and (2) strategies for enhancing emergency response planning and training efforts, including more targeted use of HMEP grant funds. As part of our outreach and our guidance on PHMSA's website, we will encourage states to conduct training exercises and drills with the joint participation of railroads and other transporters of hazardous materials.

PHMSA staff has participated and continues to actively participate in the TRANSCAER program including the whistle stop tour and safety train activities. HMEP grant funds support hazardous materials training offered during this activity. Additionally, training on recognition of the hazardous materials in a train consist is supported by HMEP grants. The Emergency Response Guidebook, published by PHMSA, aids in recognition of hazardous materials and continues to be a first line aid to hazardous materials responders.

The NRT Training and Curriculum Subcommittee co chaired by PHMSA and USFA/FEMA provides a forum for resolution of identified interagency hazmat planning and training issues. Consideration of the points in the NTSB recommendation has been placed on the agenda of the Subcommittee. The subcommittee over the years has facilitated maximum amount of Federal interagency cooperation.

Since the beginning of the HMEP grants program 14,344 exercises (972 in the latest period) have been funded in part using grant funds.

Based on the actions outlined above, we request that Safety Recommendation R-07-05 (2) strategies for enhancing emergency response planning and training efforts, including more targeted use of HMEP grant funds be classified as "Closed - Acceptable Action." We appreciate your consideration of this request.

Sincerely,

A handwritten signature in cursive script that reads "Cindy Douglass".

Cynthia Douglass
Assistant Administrator/Chief Safety Officer