



U.S. Department  
of Transportation  
**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

November 24, 2014

The Honorable Christopher A. Hart  
Acting Chairman  
National Transportation Safety Board  
490 L'Enfant Plaza, SW  
Washington, DC 20594

Dear Acting Chairman Hart:

This letter responds to the National Transportation Safety Board (NTSB) Safety Recommendations R-14-18 through R-14-21 as well as the reiteration of R-07-4. These new recommendations were issued to the U.S. Department of Transportation (DOT) as a result of a Conrail train derailment on November 30, 2012. Three tank cars containing vinyl chloride (a Division 2.1 flammable gas) came to rest in Mantua Creek; while traveling over a moveable bridge in Paulsboro, New Jersey, one tank car was breached and released about 20,000 gallons of vinyl chloride. Nearby residents sought medical attention for possible exposure, and the train crew and many emergency responders were also exposed. Damage estimates totaled \$451,000 for equipment and about \$30 million for emergency response and remediation. The recommendations and our response are discussed below.

#### R-14-18

*Take action to ensure that emergency response information carried by train crews is consistent with and is at least as protective as existing emergency response guidance provided in the Emergency Response Guidebook [ERG].*

The NTSB concludes in its report<sup>1</sup> on this accident that railroad-provided emergency response information that departs from nationally recognized ERG information has the potential to confuse emergency responders faced with making timely isolation and protective action distance decisions in response to hazardous material (hazmat) releases. The ERG contains an indexed list of hazmat and the associated identification number, the general hazards they pose and recommended safety precautions. Moreover, the ERG is a tool that provides emergency responders with critical information and guidance during the initial stages of a hazmat emergency. Taking the proper action during those critical first minutes does have a huge

---

<sup>1</sup> *Conrail Freight Train Derailment with Vinyl Chloride Release, Paulsboro, New Jersey, November 30, 2012, Railroad Accident Report NTSB/RAR-14/01 (Washington, DC: NTSB, 2014).*

impact on the safety of both first responders and the people they serve. Thus, we acknowledge the NTSB's point and will take it into consideration as we contemplate possible alternatives, including regulatory action, to affect this recommendation.

R-14-19

*Require railroads transporting hazardous materials to develop, implement, and periodically evaluate a public education program similar to Title 49 Code of Federal Regulations Parts 192.616 and 195.440 for the communities along railroad hazardous materials routes.*

PHMSA's Office of Hazardous Materials Safety will conduct a review of the public awareness program requirements for pipeline operators implemented by the Office of Pipeline Safety. The results of this review will be used to make a determination on the best course of action to increase public awareness. In the meantime, PHMSA will continue to participate in and promote the efforts of the TRANSCAER® program as well as promote voluntary railroad programs and encourage that these programs be used to target the public in addition to the emergency response community.

R-14-20

*Collaborate with the Federal Railroad Administration and the American Short Line and Regional Railroad Association to develop a risk assessment tool that addresses the known limitations and shortcomings of the Rail Corridor Risk Management System software tool.*

The Federal Railroad Administration (FRA) has been collaborating with the American Short Line and Regional Railroad Association (ASLRRA) to develop and implement a Hazmat Transportation Analytical Risk Model (H-TRAM) designed specifically for use by short line railroads subject to § 172.820 data collection and route risk analysis requirements. H-TRAM is an industry affirmed viable work-in-progress with potential to greatly increase the ability of regional and short line railroads to meet route risk analysis requirements. However, significant work remains to be done to ensure the effective implementation of the model for use as a short line hazmat risk analysis reduction tool. Industry feedback highlighted areas that could be improved including the need for: (1) accurate and descriptive information regarding railroad operating characteristics to be included in the analytical rating criteria; (2) further delineation and expansion on numerical risk categories; and automating the data input and collection process and optimizing the availability of real-time access to the statistical data output. It should be noted that this project is not simply a furtherance or adaptation of the current Rail Corridor Risk Management System (RCRMS) software tool. Instead, the end product of this project is a risk assessment methodology built by and for the short line and (regional) industry and its operating railroads. PHMSA will lend support to the FRA and the ASLRRA in whatever manner necessary to address improvements to H-TRAM.

R-14-21

*Collaborate with the Federal Railroad Administration and the American Short Line and Regional Railroad Association to conduct audits of short line and regional railroads to ensure that proper route risk assessments that identify safety and security vulnerabilities are being performed and are incorporated into a safety management system program.*

The HMR does not require railroads to submit for review a route risk analysis performed in accordance with § 172.820. However, each rail carrier must maintain a copy of the information collected and developed, and make the record available upon request to an authorized official of the Department of Transportation or the Department of Homeland Security. PHMSA will work with FRA to review inspection activities and see if there are opportunities to audit short line and regional railroads route risk analyses as part of the required safety and security plan. We will also discuss opportunities and the appropriateness of engaging the ASLRRA for purposes of conducting any potential audit.

R-07-4

*With the assistance of the Federal Railroad Administration, require that railroads immediately provide to emergency responders accurate, real-time information regarding the identity and location of all hazardous materials on a train.*

We note the NTSB's comment to our September 6, 2013 advance notice of proposed rulemaking (78 FR 54849) informing us that it continues to investigate accidents where emergency responders did not receive timely and accurate hazard information from railroad operators, including the November 30, 2012, Paulsboro, New Jersey, derailment. The NTSB believes that available technologies can and should be used to supplement the paper-based train consist for improving the dissemination of chemical hazard information to emergency responders. We agree, and as noted by the NTSB, PHMSA is diligently working towards completion of research on a paperless hazard communications pilot Program, also known as HM-ACCESS (Hazardous Materials Automated Cargo Communications for Efficient and Safe Shipments). We received Office of Management and Budget approval on an information collection request allowing us to proceed with conducting inspections and emergency response simulation pilot tests in three or four U.S. regions (including one rural area). Furthermore, we expect to start the pilot tests in early 2015 and will also collect data to analyze the impacts of using electronic systems to communicate hazardous materials shipping paper information including emergency response information. Finally, we expect to submit a feasibility and assessment report to Congress sometime in 2015.

If we can be of further assistance or answer any additional questions, please do not hesitate to contact Dirk Der Kinderen, NTSB Program Manager, Office of Hazardous Materials, Standards Development Division at 202-366-4460 or by email at [Dirk.DerKinderen@dot.gov](mailto:Dirk.DerKinderen@dot.gov).

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy Butters", with a horizontal line extending to the right.

Timothy Butters  
Acting Administrator