



National Transportation Safety Board

Washington, DC 20594

Office of the Chairman

February 24, 2015

Mr. Timothy P. Butters
Acting Administrator
Pipeline and Hazardous Materials Safety
Administration
Washington, DC 20590

Dear Acting Administrator Butters:

Thank you for your November 24, 2014, letter to the National Transportation Safety Board regarding Safety Recommendations R-07-4, and R-14-18 through -21, which we issued to the Pipeline and Hazardous Materials Safety Administration. We issued Safety Recommendation R-07-4 on April 25, 2007, as a result of our investigation of the July 10, 2005, accident involving the head-on collision of two CN freight trains in Anding, Mississippi. We issued Safety Recommendations R-14-18 through -21 on August 26, 2014, as a result of our investigation of the November 30, 2012, accident in which a Consolidated Rail Corporation train containing hazardous materials derailed, spilling vinyl chloride into Mantua Creek in Paulsboro, New Jersey.

R-07-4

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

Although we are concerned that almost 8 years have elapsed since we issued this recommendation, we are encouraged that you and the FRA are nearing completion of research on a paperless pilot program for hazard communications, *Hazardous Materials Automated Cargo Communications for Efficient and Safe Shipments* (HM-ACCESS). We understand that the Office of Management and Budget granted approval for information collection, authorizing you to begin conducting inspections and to initiate pilot tests of emergency response simulations in three or four US regions, including one rural area. We note that you will start these pilot tests in early 2015, and will collect data to analyze the impacts of using electronic systems to communicate information regarding the shipping of hazardous materials. We further note that you will submit the results of the program to Congress later in 2015. Pending completion of the pilot testing and our review of the results, Safety Recommendation R-07-4 is classified "Open—Acceptable Response."

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*.

Although you recognize the importance of protecting emergency responders and state that you intend to consider this issue in formulating possible safety solutions, you have not committed to any specific action that you plan to take to address this recommendation. Pending our receipt of your detailed plans, Safety Recommendation R-14-18 is classified “Open—Unacceptable Response.”

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.

We note that you plan to review your public awareness program requirements for pipeline operators, after which you will determine the best course of action to take to increase public awareness involving hazardous materials transported by rail. In the interim, you will continue to participate in and promote the efforts of the Transportation Community Awareness and Emergency Response (TRANSCAER®) program and promote voluntary railroad programs, and you will encourage operators to target both the public and the emergency response community through these programs.

After you provide us with your planned action to increase public awareness involving hazardous materials transported by rail, we will evaluate your response. Pending our receipt of such information, Safety Recommendation R-14-19 is classified “Open—Unacceptable Response.”

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.

We are encouraged that you, the FRA, and the American Short Line and Regional Railroad Association (ASLRRA) have initiated efforts to address this issue, particularly the FRA and the ASLRRA’s collaboration to develop and implement a *Hazmat Transportation Analytical Risk Model* specifically for short line railroads subject to section 172.820 to use in collecting data and analyzing route risks. Pending completion of the recommended action, Safety Recommendation R-14-20 is classified “Open—Acceptable Response.”

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 program.

We are aware that the hazardous materials regulations do not require railroads to submit for review a route risk analysis performed in accordance with section 172.820, that each rail carrier must maintain a copy of the information collected and developed, and that the carrier must make the record available upon request to an authorized official of the Department of Transportation or the Department of Homeland Security.

We note that you plan to work with the FRA to review inspection activities to determine whether opportunities exist for auditing risk analyses for the routes of short line and regional railroads as part of the required safety and security plan. We also note that you plan to discuss opportunities and the appropriateness for engaging the ASLRRRA for purposes of conducting any potential audit. Pending completion of these efforts, Safety Recommendation R-14-21 is classified “Open—Acceptable Response.”

Please provide further updates electronically at correspondence@ntsb.gov regarding your progress in addressing Safety Recommendations R-07-4 and R-14-18 through -21. If a response, including attachments, exceeds 10 megabytes, please e-mail us at the same address for instructions. Please do not submit both an electronic copy and a hard copy of the same response.

Sincerely,

cc: Ms. Barbara McCann Director
Office of Safety, Energy, and
Environment
Office of the Under Secretary for Policy