



Office of the Chairman

# National Transportation Safety Board

Washington, D.C. 20594

JUL 8 1999

Honorable Rodney E. Slater  
Secretary  
U.S. Department of Transportation  
400 Seventh Street, S.W.  
Washington, D.C. 20590

<b>ACTION</b>	
is assigned to	
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CONTROL NO.	
990712-019	
SIMS	S-10

Dear Secretary Slater:

Thank you for your May 7, 1999, letter in response to Safety Recommendations H-92-6 and H-98-27, which the National Transportation Safety Board issued to the Research and Special Programs Administration (RSPA) and the U.S. Department of Transportation (DOT), respectively.

Safety Recommendation H-92-6 was issued to RSPA as a result of the Safety Board's 1992 Special Investigation, *Cargo Tank Rollover Protection*. Safety Recommendation H-92-6 asked RSPA to implement, in cooperation with the Federal Highway Administration, a program to collect information necessary to identify patterns of cargo tank equipment failures, including the reporting of all accidents involving a DOT specification cargo tank.

The Safety Board understands that RSPA has issued an Advance Notice of Proposed Rulemaking (ANPRM) soliciting comments on the merits of revising the current incident reporting requirements of the Hazardous Materials Regulations and the Hazardous Materials Incident Report Form. The Safety Board has provided comments on the ANPRM by separate letters. This rulemaking activity is designed to evaluate the need for any change in reporting requirements, to obtain more useful information from DOT Form F 5800.1 submissions, and to reduce the regulatory burden on industry. Pending further response on DOT's efforts to revise the Hazardous Materials Incident Report Form, Safety Recommendation H-92-6 is classified "Open—Acceptable Response."

Safety Recommendation H-98-27 was issued to the DOT as a result of the Safety Board's investigation of the collision of a tractor/cargo tank semitrailer and a passenger vehicle with fire near Yonkers, New York, on October 9, 1997. Safety Recommendation H-98-27 asked the DOT to prohibit the carrying of hazardous materials in external piping of cargo tanks, such as loading lines, that may be vulnerable to failure in an accident.

The Safety Board has reviewed the preliminary risk/benefit-cost analysis that was included with your May 7 letter. As stated on page 1 of the executive summary: "Analysis of the present value of costs and benefits to eliminate wet lines results in cost to benefit ratios of about three to one in the best instance. However, there are uncertainties in areas, such as data

and cost estimates, such that the figures fall within the realm where corrective action needs to be considered. Ultimately, transportation of hazardous materials such as gasoline in wet lines is not a good practice with finite, albeit less than great, consequences that can be avoided without tremendous costs or disruptions to the industry." Recognizing that RSPA has decided to modify a rulemaking currently under development, the Safety Board nonetheless urges RSPA, without additional delay, to eliminate the unnecessary risk of transporting hazardous materials in exposed unprotected piping that is designed to fail if impacted in an accident. Pending further response and our receipt of the notice of proposed rulemaking, Safety Recommendation H-98-27 is classified "Open—Acceptable Response."

We appreciate your commitment to transportation safety.

Sincerely,

  
Jim Hall  
Chairman

cc: Mr. Robert Clarke, Safety and Health Team Leader  
Office of Transportation Policy Development