



Office of the Chairman

National Transportation Safety Board

Washington, DC 20594

March 15, 2016

The Honorable Marie Therese Dominguez
Administrator
Pipeline and Hazardous Materials
Administration
Washington, DC 20590

Dear Administrator Dominguez:

Thank you for your December 22, 2015, letter, updating the National Transportation Safety Board regarding action taken to address Safety Recommendation H-98-17. We issued this recommendation to the US Department of Transportation (DOT) on May 18, 1998, as a result of our investigation of the October 9, 1997, collision of a tractor/cargo tank semitrailer and a passenger vehicle, and subsequent fire, at Yonkers, New York. We are aware that this recommendation was transferred from the DOT to the Pipeline and Hazardous Materials Administration.

H-98-27

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.

We are aware that, on December 4, 2015, the *Fixing America's Surface Transportation Act* (FAST Act) was signed into law, mandating that you withdraw your January 27, 2011, notice of proposed rulemaking¹ and terminate the rulemaking proceeding, which you did on December 30, 2015. Although you were required to abandon this rulemaking, we recognize your long-term efforts and the challenges you encountered when the number of cargo tank motor vehicles subject to the costs of regulatory action and the lack of fatal incidents in comparison to the frequency of movements by these cargo tank motor vehicles did not justify a regulatory approach. We further recognize the benefits of your public education efforts and your intent to continue to engage other DOT agencies to improve the safety of transporting flammable liquid in unprotected wetlines on cargo tank motor vehicles through non-regulatory approaches. In light of

¹ "Safety Requirements for External Product Piping on Cargo Tanks Transporting Flammable Liquids," I-IM-213D: 76 *Federal Register* 4847 (Jan. 27, 2011).

the recent FAST Act mandate to withdraw your rulemaking, Safety Recommendation H-98-27 is classified “Closed—No Longer Applicable.”

Sincerely,

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