



U.S. Department
of Transportation

Administrator

1200 New Jersey Avenue, SE
Washington, DC 0590

**Pipeline and Hazardous
Material Safety
Administration**

September 24, 2012

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

Dear Chairman Hersman:

This letter provides an update regarding the Pipeline and Hazardous Materials Safety Administration's (PHMSA) plan to address Safety Recommendation H-98-27. The National Transportation Safety Board (NTSB) issued the recommendation after the investigation of a cargo tank motor vehicle incident identified a safety concern regarding the carriage of hazardous material in the external piping on a cargo tank.

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.

On January 27, 2011, PHMSA published a notice of proposed rulemaking (HM-213D; 76 FR 4847) proposing to amend the Hazardous Materials Regulations (HMR; 49 CFR 171-180) to prohibit the transportation of flammable liquids in unprotected external product piping ("wetlines") on a DOT specification cargo tank motor vehicle. However, on July 6, 2012 the President signed into law the Moving Ahead for Progress in the 21st Century Act (MAP-21) (Pub. L. 112-141), which includes the Division C, Title III – Hazardous Materials Transportation Safety Improvement Act of 2012 (HMTSIA). Under HMTSIA, the Government Accountability Office (GAO) is instructed to issue a report to Congress on an evaluation of the safety of transporting flammable liquids in the wetline(s) of a cargo tank motor vehicle. Specifically, the GAO evaluation must:

- 1) review the safety of transporting flammable liquids in the external product piping of cargo tank motor vehicles;
- 2) accurately quantify the number of incidents involving the transportation of flammable liquids in external product piping of cargo tank motor vehicles;
- 3) identify various alternatives to loading, transporting, and unloading

flammable liquids in such piping; 4) examine the costs and benefits of each alternative; and 5) identify any obstacles to implementing each alternative.

With regard to PHMSA obligations, the HMTSIA states:

The Secretary may not issue a final rule regarding transporting flammable liquids in the external product piping of cargo tank motor vehicles prior to completion of the [GAO] evaluation or 2 years after the date of enactment of this Act, whichever is earlier, unless the Secretary determines that a risk to public safety, property, or the environment is present or an imminent hazard exists and that the regulations will address the risk or hazard. Pub. L. 112-141 section 33015.

As a result, PHMSA plans no further action with respect to notice HM-213D until the completion of the GAO evaluation. Pending the completion and subsequent PHMSA review of the GAO report, PHMSA will update NTSB regarding any further regulatory plans to address Safety Recommendation H-98-27.

Regards,

A handwritten signature in black ink, appearing to read "Cynthia L. Quarterman". The signature is fluid and cursive, with a large loop at the end.

Cynthia L. Quarterman