



National Transportation Safety Board

Washington, DC 20594

Office of the Chairman

July 29, 2014

The Honorable Cynthia Quarterman
Administrator
Pipeline and Hazardous Materials Safety
Administration
Washington, DC 20590
Cynthia.Quarterman@dot.gov

Dear Administrator Quarterman:

Thank you for the June 11, 2014, letter to the National Transportation Safety Board regarding Safety Recommendation R-14-4 through -6. We issued these recommendations to the Pipeline and Hazardous Materials Safety Administration on January 23, 2014, as a result of our participation in the Transportation Safety Board of Canada's investigation of the July 6, 2013, derailment of a Montreal, Maine & Atlantic freight train in Lac-Mégantic, Quebec, Canada.

R-14-4

Work with the Federal Railroad Administration [FRA] to expand hazardous materials route planning and selection requirements for railroads under Title 49 *Code of Federal Regulations* 172.820 to include key trains transporting flammable liquids as defined by the Association of American Railroads (AAR) Circular No. OT-55-N and, where technically feasible, require rerouting to avoid transportation of such hazardous materials through populated and other sensitive areas.

We note that you have initiated action with the FRA, in conjunction with the Federal Motor Carrier Safety Administration, the Department of Transportation, the Department of Homeland Security and the AAR to address this issue, and that you and the FRA will address rail routing in future rulemaking. Accordingly, Safety Recommendation R-14-4 is classified "Open—Acceptable Response" pending completion of the recommended action.

R-14-5

Revise the spill response planning thresholds contained in Title 49 *Code of Federal Regulations* Part 130 to require comprehensive response plans to effectively provide for the carriers' ability to respond to worst-case discharges resulting from accidents involving unit trains or blocks of tank cars transporting oil and petroleum products.

We note that you are working with the FRA to determine the best course of action to address this issue. Accordingly, Safety Recommendation R-14-5 is classified “Open—Acceptable Response” pending completion of the recommended action. We remind you that, to satisfy this recommendation, you will need to revise the regulations concerning thresholds.

R-14-6

Require shippers to sufficiently test and document the physical and chemical characteristics of hazardous materials to ensure the proper classification, packaging, and record-keeping of products offered in transportation.

We understand that you are working with the FRA to develop a notice of proposed rulemaking titled *Hazardous Materials: Enhanced Tank Car Standards and Operational Controls for High-Hazard Flammable Trains* (HM-251), docket number PHMSA-2012-0082, which proposes a comprehensive approach to rail safety to improve tank car integrity, provides additional operational controls, enhances emergency response, and establishes methods to improve the classification and characterization of hazardous materials. Pending issuance of a final rule that includes these provisions, Safety Recommendation R-14-6 is classified “Open—Acceptable Response.”

We look forward to receiving periodic updates on your progress in implementing Safety Recommendations R-14-4 through -6, and encourage you to submit such updates electronically at correspondence@ntsb.gov. 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