

February 12, 2009



U.S. Department
of Transportation

East Building, PHH - 30
1200 New Jersey Avenue, Southeast
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 7616
(NINETEENTH REVISION)

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: (See individual authorization letter)
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the carrier to accept shipping paper information for hazardous materials shipments via telephone (voice communications) and authorizes a variance in the certification requirement, when transmitted via telephonically (through voice communications) or through electronic data interchange (EDI). This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in development of this special permit only considered the hazards and risks associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 172.203(a); §§ 172.204(a) and (d); § 174.3; and § 174.24.
5. BASIS: This special permit is based on the Pipeline and Hazardous Materials Safety Administration's (PHMSA) editorial review under § 107.121 initiated on December 4, 2008.
6. HAZARDOUS MATERIALS (49 CFR § 172.101): The proper shipping description authorized under the terms of this special permit must be as specified in 49 CFR Subpart B of Part 172, an special permit issued under 49 CFR Subpart B of Part 107, or as authorized in accordance with 49 CFR § 171.12 or § 171.12a.

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7. PACKAGING(S) and SAFETY CONTROL MEASURES:

a. ACCEPTANCE: A carrier may accept shipping paper information either telephonically (voice communications) or electronically (EDI) from offerors of hazardous materials in accordance with the provisions of this special permit.

b. TELEPHONIC: When receiving shipping papers telephonically (through voice communications):

(1) A shipping paper (record) for a loaded movement must be forwarded to the carrier within five working days, unless the carrier sends the offeror a copy of the shipping paper prepared on the offeror's behalf.

(2) If the carrier generates a residue shipping paper from the information relating to the previous loaded movement of a bulk packaging, the carrier's representative must ensure that the description to accompany that shipment is as per the offeror request. (For certification requirements, see paragraph 8.a.(1)). This may be accomplished by either:

(i) Reading the complete hazard communications description which will accompany the shipment to the offeror and receive verbal acknowledgment that the description is as required; or

(ii) Prior to July 31, 1995, forwarding a shipping paper (record) to the offeror within seven working days, unless the carrier has received a copy of the shipping paper from the offeror. After July 31, 1995, forwarding a copy of the description which will accompany the shipment via either electronic data interchange, facsimile, or mail to the offeror prior to the shipment being pulled by a train crew. The offeror must be given time to ensure the description is as required.

(3) A method of retaining information concerning time of release, the person releasing the shipment for transportation, and the person accepting the shipment for transportation must be used. This information must be retained for a period of one year.

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c. ELECTRONIC: When receiving shipping papers electronically (via EDI), the carrier and the offeror must have a procedure by which the offeror can verify accuracy of the transmitted hazard communication information that will accompany the shipment. After July 31, 1995, this procedure must be a written procedure on file with the Associate Administrator for Hazardous Materials Safety (AAHMS).

d. RECORD RETENTION: The offeror, the carrier, and any entity performing a function under the terms of this special permit, must maintain a copy of the shipping paper or transaction set transmitted for the hazardous materials shipment for a period of one year. Records may be retained using any available format (magnetic tape, paper retention, microfiche, etc.) and must be made available for inspection in a format readable by a representative of the Department upon request.

8. SPECIAL PROVISIONS:

a. CERTIFICATION: When required, the certification required under § 172.204(a) must be entered on the shipping paper in accordance with the following:

(1) Telephonic - When received telephonically, the original shipping paper, if required, must contain either:

(i) the full certification specified in § 172.204(a); or

(ii) the following abbreviated certification, in lieu of the full certification:

"* * * , on behalf of shipper [or offeror] avers certification specified in § 172.204(a)."

(The name of the principle partner, officer, or employee of the offeror or his agent must be substituted for the asterisks.)

(2) Electronic Data Interchange (EDI) - When received electronically, the original shipping paper, if required, must contain either:

(i) the shortened certification as specified in paragraph 8.a.(1)(ii); or

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(ii) the name of the principal person, partner, officer, or employee of the offeror or his agent in a computer field defined for that purpose. This name must be a consent on the part of the offeror to the terms of this special permit and the certification requirements of § 172.204.

b. SPECIAL PERMIT NOTATION: The notation "DOT-SP 7616" must be placed on the shipping paper in accordance with the following:

(1) Electronically - The notation DOT-SP 7616 is not required on shipping papers or transaction sets for shipments offered electronically.

(2) Telephonically - The notation DOT-SP 7616 is required on the original shipping paper prepared by the carrier on the offeror's behalf. The notation DOT-SP 7616 is not required on any consist, work order or other shipping paper in the possession of the train crew.

c. SPECIAL PERMIT AVAILABILITY: The carrier must provide a current copy of this special permit, upon request, to each trading partner offering hazardous materials under the terms of this special permit.

d. MOVEMENT DOCUMENTS: A member of a train crew of a train transporting hazardous materials must have in his possession a copy of the shipping papers (e.g. waybill, train consist, or other similar document) for each shipment of hazardous materials being transported.

e. MARKING: Transport vehicles, and other packagings, offered under the terms of this special permit need not be marked with the special permit number in accordance with § 172.301(c).

9. MODES OF TRANSPORTATION AUTHORIZED: Rail freight.

10. MODAL REQUIREMENTS: Not as a condition of this special permit.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- 'The Hazardous Materials Safety and Security Reauthorization Act of 2005' (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term 'exemption' to 'special permit' and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous

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materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Theodore L. Willke
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: sln