

Pipeline & Hazardous Materials Safety Administration (PHMSA)

Notice of Proposed Rulemaking: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains

HM-251B

Victoria Lehman

Office of Hazardous Materials Safety

Regulations Specialist

7/29/16

RRT II Conference at Edison, NJ - October 13, 21016



Hazardous Materials: Oil Spill Response Plans and Information Sharing for HHFTs

- **Dates**

- Notice of Proposed Rulemaking (NPRM) published July 29, 2016 – HM-251B
- Comments due by September 27, 2016.

- **Purpose**

- Improve oil spill response readiness and mitigate effects of rail incidents involving petroleum oil and certain High-Hazard Flammable Trains (HHFTs).



Enhanced Tank Car Standards & Operational Controls for High-Hazard Flammable Trains

- Secretary Anthony Foxx and Canadian Transport Minister Lisa Raitt announced Final Rule HM-251 effective July 7, 2015

Enhanced DOT Specification Rail Tank Car 117 for HHFT

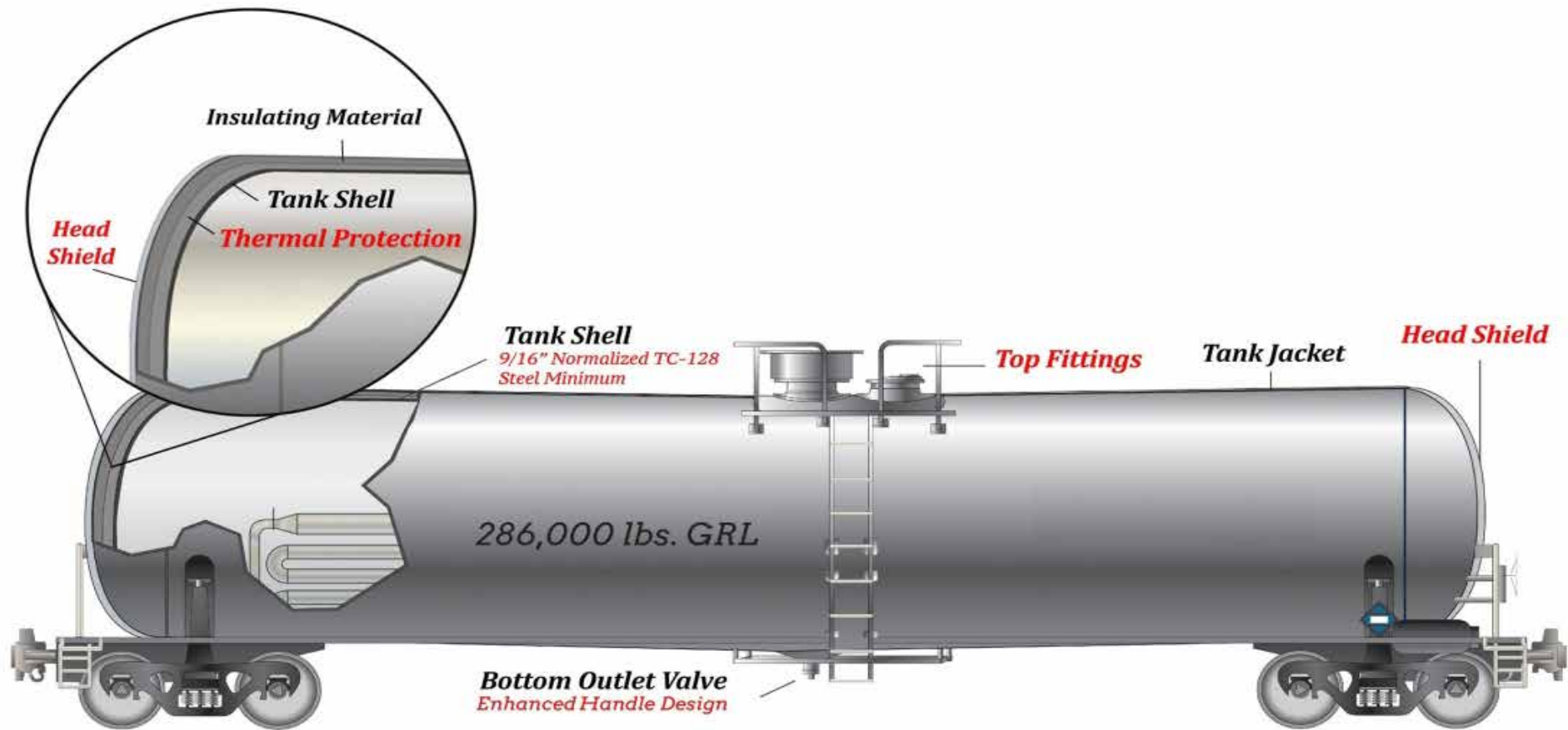
Improve puncture resistance
(thicker shells and full-height head shielding)

Improve thermal protection and survivability
(Thermal jacketing and Pressure relief devices)

Protect equipment (top fittings protection and bottom outlet protection / securement)



DOT 117 Specification Car



Safety enhancements of DOT Specification 117 Tank Car:

Full-height ½ inch thick head shield

Tank shell thickness increased to 9/16 inch minimum TC-128 Grade B, normalized steel

Thermal protection

Minimum 11-gauge jacket

Top fittings protection

Enhanced bottom outlet handle design to prevent unintended actuation during a train accident

Hazardous Materials: Oil Spill Response Plans and Information Sharing for HHFTs

- **Summary:**
 - Responds to the 259 comments representing more than 70,000 signatories received in response to the 8/1/14 Advance Notice of Proposed Rulemaking
 - Revise the applicability of comprehensive oil spill response plans based on thresholds of petroleum oil that apply to an entire train
 - Require railroads to share information about HHFT operations with states and tribal governments (e.g. SERCs and TERCs)



Overview: Comprehensive Oil Spill Response Plans (OSRP) Proposed Requirements

- *Why are changes to OSRPs necessary?*
- *Who is included by the proposed rule's expanded applicability?*
- *What is the purpose of the proposed OSRPs?*
- *How does the rule propose OSRPs be organized?*
- *What does the rule propose OSRPs include?*
- *Where and when does the rule propose OSRPs are submitted?*
- *What questions for commenters are asked?*

7



Why are changes to comprehensive OSRPs necessary?

- The domestic energy boom has led to an increase in rail transportation of petroleum crude oil in unit trains
- Currently, unit train shipments of petroleum oil are only covered by basic plans, which are inadequate to address the increased safety risk posed by unit trains
- National Transportation Safety Board (NTSB) Recommendation R-14-5 recommended expanding the applicability of comprehensive plans to capture the risk from unit trains



Who is included by the proposed rule's expanded applicability?

- Proposes to expand applicability for comprehensive oil spill response plans to railroads transporting High-Hazard Flammable Trains (HHFT) with 20 or more cars in a continuous block or 35 or more cars throughout the train loaded with liquid petroleum oil



What is the purpose of the proposed comprehensive OSRPs?

- Better integrate rail requirements into the federal oil spill response plan structure.
- Comprehensive plans require railroads to identify response zones (12 hours)
- Comprehensive plans ensure by contract or other means the capability to respond to a worst-case discharge (WCD).
 - Proposed method for calculating the WCD = the greater of: 300,000 gallons; or 15% of the largest quantity of oil reasonably expected to be transported by any single train in a response zone

1
0



How does the rule propose comprehensive OSRPs be organized?

- Core Plan — Information that does not change between response zones
- Response Zone Appendices — Information specific to each response zone (e.g. location specific information)
 - Response zones = groupings of routes or route segments (identified by the railroad) utilizing the response equipment and personnel capable of responding within 12 hours to a WCD or the substantial threat of one.

1
1



What does the rule propose OSRPs include?

- Front-page information summaries to facilitate usability and enforceability of the plans;
- Communication — Checklist of emergency response notifications listed by priority with specified time frames.
- Response zone specific information
 - Location of resources or certification of Oil Spill Response Organization (U.S. Coast Guard certified).
 - Description of response zone
 - Identification of environmentally sensitive areas

1
2



What does the rule propose OSRPs include?

- Other requirements
 - Certification of consistency with National Contingency Plan (NCP) /Area Contingency Plan (ACP) to integrate into the federal oil spill response structure;
 - Use of National Incident Management System (NIMS)/Incident Command Structure (ICS) for ability to operate in a unified command,
 - Procedures for training, drills, equipment testing, and recordkeeping



Where and when are comprehensive plans proposed to be submitted?

- Initial plans are submitted to the Federal Railroad Administration (FRA) for approval.
- Railroads must re-submit plans to the FRA for approval if there are significant changes.
- Railroads must review the plans every five years (or after an incident).



What comprehensive plan questions are asked in the proposed rule?

- Should “High Volume Areas” be defined within the plan, and require a faster response time (e.g. 6 hours)? What criteria should be used?
- Are the proposed training requirements sufficient, or should the Qualified Individual should be trained to the Incident Commander level using the Incident Command System (ICS)?
- How can regulatory flexibility be provided to bona fide small entities that pose a lesser safety risk and may not be able to comply with the requirements of the proposed rule due to cost concerns, limited benefit, or practical considerations?



Overview: Information Sharing for High-Hazard Flammable Trains

- Why is PHMSA proposing information sharing notification requirements?
- Who must provide HHFT notification?
- Who receives the HHFT information?
- What is included in an HHFT information?
- When will notifications be provided?

1
6



Why is PHMSA proposing HHFT information sharing notification?

- To improve community preparedness and expand upon previous actions:
 - **May 28, 2015:** DOT [announces](#) that the May 2014 [Emergency Order](#) regarding emergency response notifications for shipments of petroleum crude oil by rail will remain in full force and effect until further notice while the agency considers options for codifying the May 2014 disclosure requirement on a permanent basis.
- **December 4, 2015:** The president signed the FAST Act (Fixing America's Surface Transportation) into law, which requires DOT to develop regulations for railroad operators to share real-time Emergency Response Information and to codify the May 2014 Emergency Order for HHFTs.



Who must the railroads notify for the new HHFT requirement?

- Railroads must notify State Emergency Response Centers (SERCs), Tribal Emergency Response Centers (TERCs), or other appropriate state designated entities who share information with other state and local public agencies upon request, as appropriate.
- Railroads provide the notification to DOT officials upon request.



What is proposed to be required to include in the HHFT notification?

- A reasonable estimate of the number of HHFTs that are expected to travel, per week, through each county within the state
- The routes over which the affected trains will be transported.
- A description of the materials shipped and applicable emergency response information required by HMR subparts C and G of 49 CFR part 172
- At least one point of contact at the railroad (including name, title, phone number and address) for the SERC, TERC, and relevant emergency responders related to the railroad's transportation of affected trains



What is proposed to be required to include in the HHFT notification?

- For petroleum oil trains subject to the Comprehensive Oil Spill Response Plan, the contact information for the qualified individuals and description of response zones compiled under 49 CFR part 130 must also be provided to SERCs, TERCs, or other appropriate state-delegated entities.



When/how often is notification required to SERCs and TERCs?

- Proposes to require monthly notification or certification of no change of HHFT trains to ensure that changes to frequency or volume are clearly communicated
- Notifications are then provided by SERCs or TERCs to authorized local government officials upon request. However, railroads may mark information confidential for security or business reasons



What HHFT Notification questions for commenters are included in the proposed rule?

- Should the proposed notification requirements be provided directly to organizations other than SERCs, TERCs, or other state delegated agencies?
- What is the best approach to provide information to tribal governments (e.g. TERCs, the National Congress of American Indians for further dissemination, or other)?
- What alternative means by which PHMSA can fulfill the FAST Act's direction to establish security and confidentiality protections, where this information is not subject to security and confidentiality protections under Federal standards?



How to submit online comments for the proposed rule?



Regulations.gov - Home

regulations.gov
Your Voice in Federal Decision-Making

Home Help Resources Contact Us

Search Browse Learn

Make a difference. Submit your comments and let your voice be heard.

SEARCH for: Rules, Comments, Adjudications or Supporting Documents:

PHMSA-2014-0105 Search

> Advanced Search

What's Trending

- Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee; Notice of Meeting
Closing on Aug 31, 2015
- Mitigation of Exposure to Bees from Acutely Toxic Pesticide Products; Extension of Comment Period
Closing on Aug 28, 2015
- Food Labeling: Nutrition and Supplement Facts Labels; Revision
Closing on Oct 13, 2015
- Instructions on Filing a Submission to FAA for applications/petitions/exemptions and any other items for which a Docket...

Comments Due Soon

- Today (34)
- Next 3 Days (93)
- Next 7 Days (221)
- Next 15 Days (414)
- Next 30 Days (793)
- Next 90 Days (1,167)

Newly Posted

- Last 3 Days (168)
- Last 7 Days (376)
- Last 15 Days (983)
- Last 30 Days (2,019)
- Last 90 Days (5,803)

Browse by Category

- Unified Agenda Spring 2015
- APIs for Developers



Additional Information

- Hazardous Materials Information Center
 - (800) HMR-4922 or (202) 366-4488
 - *Hours:* 9 AM to 5 PM, EST
 - *Email:* infocntr@dot.gov
- Safe Transport of Energy Products (STEP):
 - www.phmsa.dot.gov/hazmat/osd/chronology



Questions?

2
5



U.S. Department of Transportation
**Pipeline and Hazardous Materials
Safety Administration**

To Protect People and the Environment From the Risks of
Hazardous Materials Transportation

