



Impact to SERCs: High-Hazard Flammable Train Regulatory Overview





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DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials

Safety Administration

49 CFR Parts 107, 130, 171, 173, and 174

[Docket No. PHMSA–2014–0105 (HM–251B)]

RIN 2137–AF08

Hazardous Materials: Oil Spill

Response Plans and Information

Sharing for High-Hazard Flammable

Trains (FAST Act)

AGENCY: Pipeline and Hazardous

Materials Safety Administration

(PHMSA), Department of Transportation(DOT).

ACTION: Final rule



SUMMARY: PHMSA, in consultation with the Federal Railroad Administration and pursuant to the Fixing America's Surface Transportation Act (FAST Act) of 2015, issues this final rule to revise and clarify requirements for comprehensive oil spill response plans (COSRPs) and to expand their applicability based on petroleum oil thresholds that apply to an entire train consist. Specifically, this final rule: Expands the applicability for COSRPs; modernizes the requirements for COSRPs; requires railroads to share information about high-hazard flammable train (HHFT) operations with State and tribal emergency response commissions to improve community preparedness; and incorporates by reference a voluntary standard. The amendments in this final rule will provide regulatory flexibility and improve response readiness to mitigate effects of rail accidents and incidents involving petroleum oil and HHFTs.



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DATES:

Effective date: This final rule is effective as of April 1, 2019. *Voluntary compliance date:* PHMSA is authorizing voluntary compliance beginning February 28, 2019. *Delayed compliance date:* Unless otherwise specified, compliance with the amendments adopted in this final rule is required beginning August 27, 2019. *Incorporation by reference:* The incorporation by reference of certain publications listed in the rule is approved by the Director of the Federal Register as of April 1, 2019.



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ADDRESSES: Information about this rulemaking (Docket Number PHMSA–2014–0105) is available at the Federal Rulemaking Portal: <http://www.regulations.gov>, or at DOT’s Docket Operation Office: Room W12– 140 on the ground floor of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

CONTACTS: Alexander Wolcott, (202) 366–8553, Standards and Rulemaking Division, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001; or Mark Maday, (202) 493–0479, Office of Safety Assurance and Compliance, Federal Railroad Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.



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Topic	FAST Act (advanced notification) Section 7302(a)(3), (4), (6)	Final rule HM-251B (information sharing) 49 CFR 174.312
<i>Who is subject?</i>	Class I railroads transporting HHFT (20 cars in a block, 35 in consist carrying ANY Class 3 flammable liquid)	All railroads transporting HHFT (20 cars in a block, 35 in consist carrying ANY Class 3 flammable liquid)



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Who must the railroads notify?	Railroads must notify State Emergency Response Commissions (SERCs), who must provide the notification information (and updates) to any political subdivision of a State or public agency responsible for emergency response or law enforcement, upon request of the political subdivision or public agency.	Railroads must notify SERCs, Tribal Emergency Response Commissions (TERCs), or other appropriate State designated entities who share information with appropriate local authorities, upon their request.



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What security measures are required?	Required security and confidentiality protections include protections from the public release of proprietary information or security-sensitive information, to prevent the release to unauthorized persons.	If the disclosure includes information that railroads believe is security sensitive or proprietary and exempt from public disclosure, the railroads should indicate that in the notification.



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<i>What to include in the notification?</i>	<ol style="list-style-type: none">1.) A reasonable estimate of the number of implicated trains that are expected to travel, per week, through each county within the applicable state.2.) Identification of the routes over which such liquid will be transported.3.) Identification and a description of the Class 3 flammable liquid being transported on such trains and applicable emergency response information, as required by regulation4.) A point of contact at the Class I railroad responsible for serving as the point of contact for State emergency response centers and local emergency responders related to the Class I railroad's transportation of such liquid.	<ol style="list-style-type: none">1.) A reasonable estimate of the number of HHFTs that are expected to travel, per week, through each county within the state.2.) The routes over which the affected trains will be transported.3.) A description of the materials shipped, and applicable emergency response information required by subparts C and G of part 172 of this subchapter.4.) At least one point of contact at the railroad (including name or email address, title, phone number, and address) for the SERC, TERC, and relevant emergency responders related to the railroad's transportation of affected trains.



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When/how often?	Update the notifications prior to making any material changes to any volumes or frequencies of HHFTs traveling through a county. 'Material changes' in Emergency Order means changes greater than 25%.	Updates the notification for changes in volume greater than 25 percent.



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<i>How are records maintained?</i>	Requires notification “consistent with the notification content requirements in Emergency Order Docket No. DOT-OST-2014-0067”.	<ol style="list-style-type: none">1. Notification may be provided electronically or in writing.2. Railroads provide the notification to DOT upon request.



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<i>What COSRP Information must be included?</i>	Requires notification “consistent with the notification content requirements in Emergency Order Docket No. DOT-OST-2014-0067”.	<ol style="list-style-type: none">1. Notification may be provided electronically or in writing.2. Railroads provide the notification to DOT upon request.