

Attachment 1

HHFT Background Information

On February 28, 2019, PHMSA published a final rule titled, “Hazardous Materials: Oil Spill Response Plans and Information Sharing for High-Hazard Flammable Trains (FAST Act)” [HM-251B; 84 FR 6910]. In part, the final rule requires a railroad to share information about high-hazard flammable train (HHFT) operations with each state’s emergency response commission (SERC), Tribal Emergency Response Commission (TERC), or other appropriate State-delegated agency in each State through which it operates to improve community preparedness.

At a minimum, railroads must provide: (1) A reasonable estimate of the number of HHFTs that the railroad expects to operate each week, through each county within the State or through each tribal jurisdiction; (2) The routes over which the HHFTs will operate; (3) A description of the hazardous materials being transported and all applicable emergency response information required by the shipping papers and emergency response information requirements of the Hazardous Materials Regulations (HMR); (4) An HHFT point of contact; and (5) A description of the response zones (including counties and states) and the contact information for the qualified individual and alternate as specified under § 130.120(c) if a route identified above is additionally subject to the comprehensive spill plan requirements.

The HHFT notification must be maintained and transmitted in accordance with the following: (1) Railroads must update the notifications for changes in volume greater than 25%; (2) Notifications and updates may be transmitted electronically or by hard copy; (3) If the disclosure includes information that a railroad believes is security sensitive or proprietary and exempt from public disclosure, the railroad should indicate that in the notification; (4) Each point of contact must be clearly identified by name or title, and contact role (*e.g.*, qualified individual, HHFT point of contact) in association with the telephone number. One point of contact may fulfill multiple roles; and (5) Copies of the railroad’s notifications made under this section must be made available to the Department of Transportation upon request.

HMEP Recipients’ Role in Collecting HHFT Information

Following an audit conducted by the General Accounting Office (GAO), PHMSA received a recommendation (GAO-17-91) to develop a process for regularly collecting information from SERCs on the distribution of the railroad-provided hazardous materials shipping information to local planning entities. In response to this recommendation, On September 30, 2020, PHMSA received approval to have HMEP grant applicants/recipients declare if SERCs/TERCs have received copies of the railroad-provided information detailed above. In addition, PHMSA received approval to determine if the SERCs/TERCs are disseminating this information to local planning entities.