

Aviation Group Client Update

Date: June 25, 2012

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PHMSA INCORPORATES RAIL SPECIAL PERMITS INTO HMR

Today, the Pipeline and Hazardous Materials Safety Administration (PHMSA) amended the Hazardous Materials Regulations (HMR) to incorporate provisions contained in certain rail special permits. According to PHMSA, incorporating the special permits will provide users wider access to regulatory flexibility, eliminate the need for numerous renewal requests, reduce paperwork burden, and facilitate commerce while maintaining an appropriate level of safety.

Amendments to the HMR include the following:

- Addition of definitions “electronic data interchange” and “train consist;”
- Requirements for electronic shipping papers, electronic data interchange standards, and electronic signature certification for HM rail shipments;
- Requirement of verbal certification of shipping papers for HM rail shipments;
- Revision of the emergency response telephone number requirement to clarify numbers outside the U.S. must be accompanied by the international access code or the plus sign, country code, and city code, as appropriate;
- Clarification that the emergency response telephone number be entered on the shipping paper in the manner prescribed in 49 CFR 172.604(b);
- Provisions to allow tank cars and multi-unit tank cars to be loaded with liquefied anhydrous ammonia gas or ammonia solution through the use of a metering device;
- DOT 105J500W tank cars equipped with combination safety relief valves with a start-to-discharge pressure of 360 PSA may be used as authorized packagings for inhalation hazard zone B Chlorine gas;
- Removing the requirement for tank cars in container-on-flat-car or trailer-on-flat-car service from complying with the Association of American Railroads (AAR) 600 program in the AAR specification for tank cars;
- Revision to specify Federal Railroad Administration (FRA) approval of tank cars carrying poisonous-by-inhalation materials with a gross weight on rail up to 286,000 pounds;
- Requirements to permit tank car information to be stamped on permanent identification plates placed on opposite ends of a tank car instead of stamped into the tank’s head;
- Requirements to permit straight threads to be used instead of tapered threads in the clean-out/inspection ports of DOT specification 110A multi-unit tank car tanks;
- Requirement that tank car owners develop written tank car qualification procedures for tank car employees and requirement that tank car facilities incorporated an owner’s qualification program in the facility’s quality assurance program;

- Requirement that documents must be made available upon request to credentialed FRA employees or authorized DOT employees;
- Removal of 49 CFR 180.507(b);
- Addition of conditions and frequencies of inspections and tests for qualifying a tank car that was authorized under former TCQ-1;
- Requirement that the representation of a qualified tank car's inspections and tests be marked on the tank in conformance with 49 CFR 180.515;
- Requirement that the safety system inspection must also show no indication of a defect that may reduce the reliability of the tank car before its next inspection and test;
- Requiring a hydrostatic test for the inner tank of a DOT class 115 specification tank car;
- Addition of acceptable results for inspection and test requirements for service equipment;
- Requirement that, in addition to complying with AAR specification for tank cars, a tank car facility making repairs, alterations, conversions, or modifications to a tank car must comply with the tank car owner's requirements, and must obtain the permission of the equipment owner before performing work that would affect the owner's equipment; after the work is performed, the tank's service equipment must pass the leak test;
- Establishing that the dates displayed on a consolidated stencil take precedence over dates that are modified and not stenciled;
- A specific list of tank cars required to have new specification and conversion date markings;
- The installation date of a reclosing pressure relief device on a tank car is the test date the device is qualified instead of pressure tested, within six months from the date it was installed and protected from deterioration;
- A builder's signature on a tank car's certificate of construction and marking of the tank car with the tank's specification represent that all the appropriate inspection and tests were performed successfully and the tank is qualified for use;
- Requirement that the written report of a tank car's qualification inspections and tests must be provided in a common readable form to FRA upon request, and must include the tank car reporting mark and number, specification, name of the inspector, and unique code identifying the facility; and
- Additional materials FRA has determined may corrode carbon steel tanks or service equipment at a rate that may reduce reliability.

The amendments are effective **July 25, 2012**. However, PHMSA authorized voluntary compliance beginning **June 25, 2012**. If you have any questions regarding special rail permits or the HMR, please contact our office.

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