




Hazardous Materials Guidance

Federal Railroad Administration, Office of Railroad Safety, Hazardous Materials Division

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Introduction

Since 1996, the Federal Railroad Administration (FRA) has had the authority to issue one-time movement approvals (OTMA) for bulk packages/packaging that no longer conform to the Hazardous Materials Regulations (HMR; Title 49 Code of Federal Regulations (CFR) Parts 171- 180). In 2000, that authority was expanded to cover all bulk packages of hazardous materials (e.g., covered hopper cars, gondola cars, and portable tanks). These changes to the regulations greatly improved the process of gaining approval to move a hazardous material rail shipment that no longer conformed to the HMR. As a practical matter, the safety risks associated with the movement of a bulk package/packaging with a small dent in its jacket are significantly different than those associated with a leaking bulk package/packaging loaded with a hazardous material, and those situations must be dealt with differently.

The FRA Hazardous Materials Division (FRA-HM) has an established procedure for evaluating and issuing an OTMA for nonconforming or leaking packages per 49 CFR Section § 174.50, *Nonconforming or leaking packages*. The applicant must submit information detailing the nonconforming conditions. The collection of this information is authorized under 49 CFR § 171.6, *Control numbers under the Paperwork Reduction Act*, and OMB Control Nos. 2137-0557 and 2137-0059. FRA-HM personnel evaluate the information to determine whether it is safe to move the bulk package/packaging, and what conditions should apply to the movement. If FRA-HM personnel conclude that the package can be safely moved, the move is authorized by the issuance of a signed FRA OTMA for an OTMA-1 or OTMA-2 category approval. If the defective condition for a bulk packaging/package falls into an OTMA-3 category approval (referred to as a "standing approval"), then this signed FRA Hazardous Materials Guidance Notice (HMG-127) serves as the authorization for movement.

FRA has developed a revised process for evaluating and addressing OTMA requests. This revised process improves the efficiency of the process without compromising safety. These revised OTMA procedures were drafted with the goals of streamlining the process and allowing FRA-HM to monitor nonconformance more productively.

This HMG document, HMG-127 Revision 5, revises HMG-127 Revision 4 to include information regarding the range of defects that are not included in an OTMA category. This HMG-127 Revision 5 requires Class 1 carrier approval for all OTMA-1 and OTMA-2 applications in order to include carriers in the decision-making process of the movement of nonconforming bulk packages/ packaging. The purpose of this revised guidance is to increase safety and reduce the risks associated with the movement of a nonconforming bulk package or packaging.

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§ 174.50 - A bulk package/ packaging that is nonconforming may not be forwarded by rail unless repaired or approved for movement by the Associate Administrator for Safety, Federal Railroad Administration.

A nonconforming bulk package/ packaging is one that no longer complies with its Department of Transportation (DOT) specification or is out of compliance with any provision of the Federal HMR.

An OTMA is provided for the movement of nonconforming or leaking bulk packages/ packaging for the purpose of repairing, cleaning, or dismantling.

All persons submitting OTMAs must receive hazmat function-specific training from their respective employer in accordance with 49 CFR § Section 172.704(a)(2)(i). Failure to comply with these provisions may result in recommendations for enforcement and civil penalties.

§ 172.704(a)(2)(i) – Hazmat employee function-specific training: Each hazmat employee must be provided function-specific training concerning requirements of this subchapter, or exemptions or special permits issued under subchapter A of this chapter, that are specifically applicable to the functions the employee performs.

OTMA Types

OTMA-1

Applies to any nonconforming bulk packages/ packaging or leaking tank cars, gondolas, hoppers and portable tanks that do not meet the criteria for movement as an OTMA-2 or an OTMA-3.

OTMA-1 applications require the following to be included during submission. Lack of documentation and/ or supporting evidence may result in denial of the application.

- Written approval from each rail carrier included in the OTMA application
- Any other information requested from FRA-HM including photos, MRU reports and additional information regarding the defective condition and corrective actions taken to ensure the safe movement of the package/packaging

Transport Canada

An OTMA approval issued by FRA is only applicable to movements of a nonconforming bulk package/packaging by rail within the United States. Authorized movement of a nonconforming bulk package/packaging either from the United States to Canada or from Canada to the United States requires written confirmation from Transport Canada that movement is either approved or is not required as supporting documentation for the OTMA.

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Mexico

Cross-border movement of defective bulk packages/ packaging to or from Mexico requires an applicant to coordinate with the appropriate Mexican agency representatives.

OTMA 2

Applies to any bulk package overloaded with hazardous material including tank cars, gondolas, hoppers, and portable tanks, that is found to be overloaded by greater than 1 percent of the allowable total gross rail load (GRL), rounded up to the next 100 pounds on a weight-in-motion scale; or for any bulk package containing hazardous material that is overloaded by greater than 1,000 pounds of the allowable total GRL on a static scale that is moving in transportation.

OTMA-2 applications require the following to be included during submission. Lack of documentation and/ or supporting evidence may result in denial of the application.

- Written approval from each carrier included in the OTMA application
- Scale ticket or email verification from the carrier stating the amount the package is overloaded in gross weight on rail (GWR)
- Shipping papers (BOL)

Transport Canada

An OTMA approval issued by FRA is only applicable to movements of a nonconforming bulk package/packaging by rail within the United States. Authorized movement of a nonconforming bulk package/packaging either from the United States to Canada or from Canada to the United States requires written confirmation from Transport Canada that movement is either approved or is not required as supporting documentation for the OTMA.

Mexico

Cross-border movement of defective bulk packages/ packaging to or from Mexico requires an applicant to coordinate with the appropriate Mexican agency representatives.

Overloaded by Volume

OTMA approval is not granted for packages overloaded by volume. Grantee must unload the overage amount before moving the package in transportation. If circumstances cause immediate threat or harm to human health or to the environment, please contact HMASSIST@dot.gov.

Overloaded with Non-Hazardous Material

Overloaded bulk packages moving in transportation containing non-hazardous material do not require an OTMA.

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OTMA 3

Follows the standing approval process and applies to any nonconforming bulk packages/ packaging or leaking tank cars, gondolas, hoppers, and portable tanks that meet the specific criteria outlined in the defective numbers and descriptions.

OTMA-3 Standing Approval

The OTMA-3 is a *standing approval* and does not require written approval or a FRA approval number to move the car once the OTMA-3 application has been submitted via the OTMA ePortal.

All OTMA-3 standing approvals are reviewed and subject to denial.

Bulk Package Requirements

Bulk package/package must be stenciled, decaled or tagged with the following message:

"Home shop for repairs, do not load"; "Moving for dismantling, do not load"; or other words to convey a similar meaning, as appropriate.

Shipping Papers

For all shipping papers transmitted or provided to each rail carrier involved in the movement of the nonconforming shipment, each person implementing this OTMA-3 category will be required to include:

- a description of nonconformance
- the words "**Moving per 174.50: OTMA-3**"
- the identity of the destination facility

Each applicant must also keep a copy of the shipping paper and a description of the nonconformance on file per the record retention requirements of **49 CFR § 172.201**. For movements that do not require shipping papers per the HMR, this information is required on shipping documentation transmitted or provided to each rail carrier involved in the movement of the nonconforming bulk package/package (e.g., a waybill for the defective package/package).

OTMA-3 Ineligibility

The following shipments are not eligible for a Standing Approval:

1. Bulk packages/ packaging that contain poisonous by inhalation (PIH) material, either loaded or residue, such as Anhydrous Ammonia, Chlorine or Methyl Mercaptan.
2. A bulk package/package involved in a non-accident release (NAR).

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Defect Numbers and Descriptions

Applicability for movement under the OTMA-3:

(A) Loaded Hazardous Material; (B) Residue Hazardous Material; (C) Cleaned & Purged (D) Non-Hazardous Material

- | | |
|--------------|---|
| Defect No. 1 | A bulk package/packaging that has incurred damage solely to its jacket, such that the jacket is no longer "weather-tight," provided there is no damage to the tank.
Applicability: A, B |
| Defect No. 2 | A bulk package/packaging with a defective interior coating / lining that has not resulted in damage to the tank. Applicability: B |
| Defect No. 3 | A bulk package/ packaging with the following: <ul style="list-style-type: none">• Defective manway cover securement bolts where the number of defective manway cover securement bolts does not prevent achieving an adequate seal of the manway cover that would allow the cars to remain in compliance with 49 CFR § 173.24(b)(1) for the duration of the movement to the destination.
Applicability: B• Bent or deformed manway cover; Applicability: B |
| Defect No. 4 | A bulk package/packaging with the following missing or damaged parts only: valve handles, valve safety chains, seal pins, valve nozzles/ caps, valve plugs, eduction piping or a defective gauging device where the product does not interfere with the tank.
Applicability: A, B |
| Defect No. 5 | A general purpose bulk package/packaging (tank car) that has damage to the protective housing or broken/missing securement pins.
Applicability: A, B |
| Defect No. 6 | A bulk package/packaging with damage resulting from a collision, a derailment or a condition that makes it unsafe to move under its own wheels, which is loaded onto or into another rail car conveyance such as a flatcar or gondola car. Applicability: B |
| Defect No. 7 | A bulk package/packaging with faded, unreadable or missing markings that are required under 49 CFR § 172.330(a)(I)(ii) and § 179.22 , provided that the markings are reapplied at the destination that the bulk package/packaging is being moved to.
Applicability: A, B |
| Defect No. 8 | A bulk package/packaging that is cleaned and purged without damage to the tank shell, stub sill, body bolster or thermal protection. Applicability: C |
| Defect No. 9 | A bulk package/packaging that contains non-hazardous material without damage to the tank shell, stub sill, body bolster or thermal protection. Applicability: D |

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Procedures

FRA-HM has an established procedure for evaluating and issuing an OTMA for nonconforming or leaking packages per **49 CFR § 174.50**, *Nonconforming or leaking packages*. The collection of this information is authorized under **49 CFR § 171.6**, *Control numbers under the Paperwork Reduction Act*, and OMB Control Nos. 2137-0557 and 2137-0059. This procedure is as follows:

Step One: Submit an OTMA

All OTMA applications must be submitted via the OTMA ePortal. New applicants will need to register first before using the site.

FRA cannot determine what type of OTMA is required on nonconforming or leaking hazmat bulk packages/packaging for applicants.

Once an OTMA is submitted through the OTMA ePortal, a confirmation email is sent to all parties included on the OTMA application. Confirmation emails are not approvals regardless of the FRA number they provide.

By submitting a request for an OTMA the applicant is certifying the package is not actively leaking and will not leak during transportation as per **49 CFR § 173.24**, *General requirements for packaging and packages*.

Step Two: Review Process

FRA-HM personnel will evaluate the information to determine whether it is safe to move the bulk package/packaging and what conditions should apply to the movement.

During the review process, FRA-HM personnel may request additional documentation or information. Applicant should refer to their dashboard in the OTMA ePortal for OTMA status updates.

Step Three: Cancellation, Approval or Denial

OTMA Cancellation

OTMA applications that do not require an OTMA will be cancelled and notification of the cancellation will be provided to the applicant through the ePortal.

Types of OTMA Approval

1. **Written Approval:** Document electronically signed by FRA-HM Specialist that includes details from the OTMA application and conditions applicable to the movement.
2. **Specialist Discretion:** Expedited approval for OTMA-1. Specialist Discretion approvals are emailed to all parties included on the OTMA application.

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3. **Standing Approval:** Automatic approval for properly submitted OTMA-3s only; no written or verbal approval is required to move the car once the OTMA-3 is submitted in the OTMA ePortal.

OTMA Denial

FRA reserves the right to deny an OTMA application. Incomplete applications, lack of response from applicants or inaccurate locations of the bulk package/packaging listed on the application may cause an application to be denied.

Rail carriers are not obligated to honor an approval issued by FRA and have the right to refuse movement even if an approval is issued by FRA. A rail carrier may require alternate solutions that do not involve further movement on its rail system.

The applicant must maintain a copy of the issued OTMA in accordance with the retention requirements per **49 CFR § 172.201**, *Preparation and retention of shipping papers*.

Verbal Approvals

Verbal approvals may be requested by rail carriers for leaking bulk packages containing hazardous material in limited circumstances, only as far as necessary to reduce or to eliminate an imminent danger to the environment or to the public.

Step One: Rail carriers should contact the National Response Center (NRC) at (800) 424-8802 to report the condition of the package at the time of the request and have the NRC contact the FRA/ DOT duty officer to involve the Hazardous Materials Division.

Rail carriers should provide the following information to NRC specific to the package condition:

- Package condition
- Material contained in package
- Remedial actions taken

Step Two: Rail carriers should email **HMASSIST@dot.gov** the following:

- Email subject line must include “Verbal Approval Issued: (Car Mark/ Number)”
- Email message must include:
 - The name of the Specialist granting the verbal approval
 - The name and contact information of the grantee requesting the verbal approval
 - The conditions outside of **49 CFR § 174.50** that warranted the verbal approval
 - The current location and destination location of the move
 - Routing of the move and total mileage; and
 - Conditions used to ensure the safe transportation of the bulk package/packaging

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Frequently Asked Questions

Placards

Is an OTMA required for a damaged or missing placard? **No.**

49 CFR § 172.516(c) Visibility and Display of Placards

Each placard on a transport vehicle, bulk packaging, freight container or aircraft unit load device must-

- (1) Be securely attached or affixed thereto or placed in a holder thereon. (See Appendix C to this part.);
- (2) Be located clear of appurtenances and devices such as ladders, pipes, doors, and tarpaulins;
- (3) So far as practicable, be located so that dirt or water is not directed to it from the wheels of the transport vehicle;
- (4) Be located away from any marking (such as advertising) that could substantially reduce its effectiveness, and in any case at least 3 inches (76.0 mm.) away from such marking;
- (5) Have the words or identification number (when authorized) printed on it displayed horizontally, reading from left to right.
- (6) Be maintained by the carrier in a condition so that the format, legibility, color, and visibility of the placard will not be substantially reduced due to damage, deterioration, or obscurement by dirt or other matter.

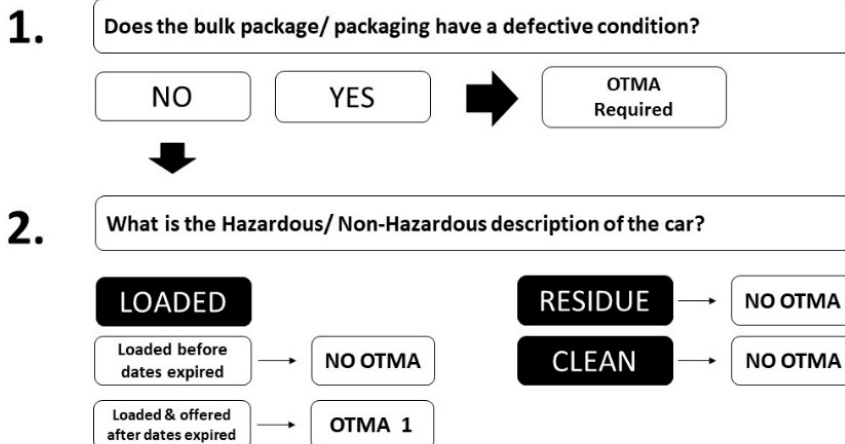
AAR Specification Packaging - Are OTMAs required for AAR tank cars?

YES If the package is built to DOT specification

NO If the package is not built to DOT specification

Overdue For Qualification

Does a car that is overdue for qualification require an OTMA?

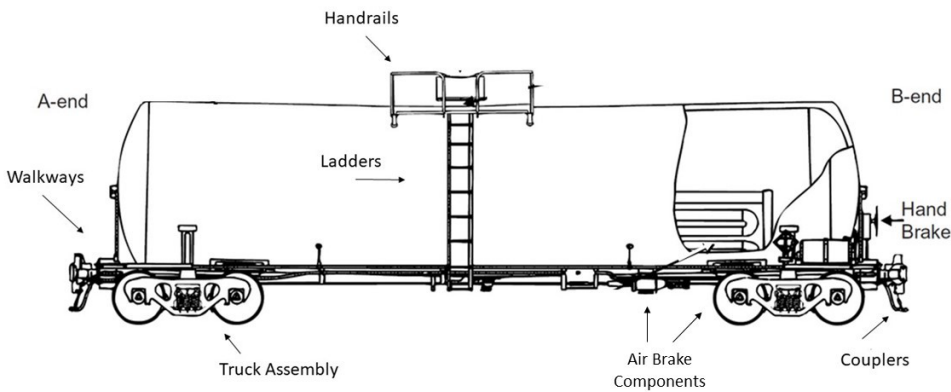


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Motive, Power & Equipment (MP&E)

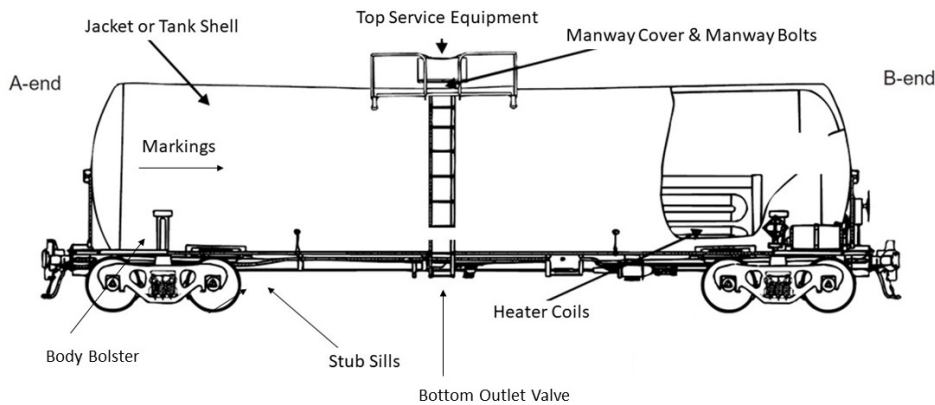
Movement approvals provided for bulk packages/packages moving in transportation with defective safety appliances (ladders, handrails, walkways, end sills, side sills, truck assembly, couplers) or bulk packages/packages that are considered overage must be obtained from the Motive, Power & Equipment Division (MP&E).

Defective conditions covered by the Motive, Power & Equipment Division are below.



*MP&E also provides movement approvals for overaged cars.

Defective conditions covered by the Hazardous Materials Division are below.

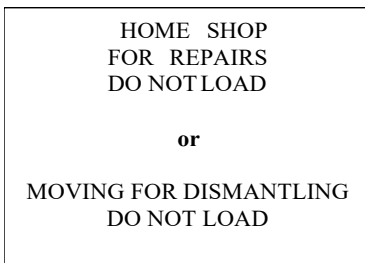


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General Requirements

Marking- Home Shop Decals

Prior to moving a non-conforming bulk package/packaging, regardless of the lading, the bulk package must have the following stencil, decal, or tag applied-with the following message, or similar wording, that conveys this message-to both sides of the bulk package/packaging in a location that is readily visible, as appropriate, but does not apply to tank cars moved under OTMA-2:



Tagging- Service Equipment

The specific valve or fitting must be tagged with the above wording or wording that conveys a similar message, as appropriate.

Grantee Responsibility

The grantee of the OTMA and the railroads involved in the movement of the nonconforming bulk package/packaging, considering the nature of the nonconformance, must select the shortest transportation route giving consideration to the nearest cleaning facility and bulk package/packaging facility capable of performing the required cleaning or repairs.

The grantee of the OTMA must notify the owner of the bulk package/packaging so that they can direct the bulk package/packaging to the appropriate facility for cleaning and/or repair.

The grantee must ensure the consignee or destination facility has been notified and will accept the nonconforming bulk package/packaging and, in the case of a loaded car, is capable of unloading the product.

Persons submitting an OTMA request must be a hazmat employee and compliant with all applicable requirements. **The grantee bears the sole responsibility for the information in the OTMA application being accurate and correct.**