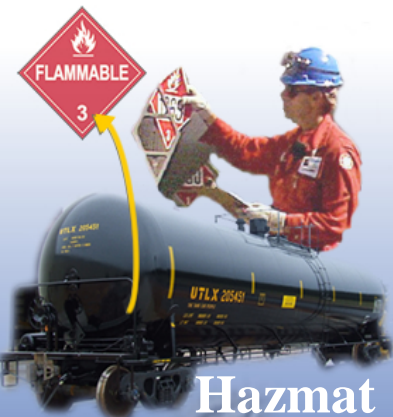




**Railroad
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Federal Railroad Administration One-Time Movement Approval (OTMA) Process and Special Permit Fitness Review

Kurt Eichenlaub

Hazardous Materials Division

Federal Railroad Administration

FRA HM Seminar Reno, NV

June 25-27, 2013



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Hazmat

OVERVIEW

- I. History of OTMA
- II. Purpose of OTMA
- III. Current OTMA Procedures (HMG-127)
- IV. Applying for OTMA
- V. Special Permits/Fitness Review
- VI. Questions?
- VII. Additional Resources



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HISTORY



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History

49 CFR §174.50 (RSPA, 1985)

➤ Tank cars only - no approval language

§ 174.50 Leaking tank cars.

(a) A tank car discovered in a leaking condition in transit may not be unnecessarily moved until the unsafe condition has been corrected. In the case of a small leak, short movements may be made if a receptacle is attached under the leak to prevent the spread of the liquid over tracks.

(b) Each leaking tank car must be protected against ignition of the liquid or vapor by flame from sources such as lanterns, torches, flares, fuses, switch lights, switch-thawing flames, fires on sides of tracks, hot coals, lighted pipes, cigars, or cigarettes. All spectators should be kept at a safe distance.

(c) Highly volatile liquids can not be transferred by a vacuum pump unless the pump is placed so that the liquid flows to it from the tank by gravity.

(d) Whenever the leaking condition of a tank car requires the transfer of lading or makes the tank unfit for re-loading, the car must be stenciled on both sides in letters three inches in size, adjacent to the car number, "LEAKY TANK. DO NOT LOAD UNTIL REPAIRED". The location of the leak must be indicated and marked with the symbol "X". The owner must be immediately notified by telegram and advised of the exact location of the leak. The stenciling may not be removed until the tank is repaired.

(e) Open-flame lights may not be brought near a placarded empty or partially loaded tank car.

(f) A leaking tank car containing any hazardous material may be switched to a location distant from habitation and highways if the move can be safely made.

[Amdt. 174-26, 41 FR 16092, Apr. 15, 1976, as amended by Amdt. 174-47, 50 FR 39008, Sept. 26, 1985]

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History

49 CFR §174.50 (RSPA, 1996)

- Added approval language for tank cars only

§174.50 Nonconforming or leaking packages.

Leaking packages other than tank cars may not be forwarded until repaired, reconditioned, or overpacked in accordance with §173.3 of this subchapter. Except as otherwise provided in this section, a tank car that no longer conforms to this subchapter may not be forwarded unless repaired or approved for movement by the Associate Administrator for Safety, Federal Railroad Administration. Notification and approval must be furnished in writing, or through telephonic or electronic means with subsequent written confirmation provided within two weeks. For the applicable address and telephone number, see part 107, subpart B, appendix A, of this chapter. A leaking tank car containing a hazardous material may be moved without repair or approval only so far as necessary to reduce or eliminate an immediate threat of harm to human health or the environment when it is determined its movement would provide greater safety than allowing the car to remain in place. In the case of a liquid leak, measures must be taken to prevent the spread of the liquid.

[Amdt. 174-83, 61 FR 28677, June 5, 1996]



History

49 CFR §174.50 (PHMSA, 2000-Present)

- Expanded approval language to cover all bulk packagings.

§ 174.50 Nonconforming or leaking packages.

A leaking non-bulk package may not be forwarded until repaired, reconditioned, or overpacked in accordance with §173.3 of this subchapter. Except as otherwise provided in this section, a bulk packaging that no longer conforms to this subchapter may not be forwarded by rail unless repaired or approved for movement by the Associate Administrator for Safety, Federal Railroad Administration. Notification and approval must be in writing, or through telephonic or electronic means, with subsequent written confirmation provided within two weeks. For the applicable address and telephone number, see §107.117(d)(4) of this chapter. A leaking bulk package containing a hazardous material may be moved without repair or approval only so far as necessary to reduce or to eliminate an immediate threat or harm to human health or to the environment when it is determined its movement would provide greater safety than allowing the package to remain in place. In the case of a liquid leak, measures must be taken to prevent the spread of liquid.

[65 FR 50462, Aug. 18, 2000]



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Purpose



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Purpose

1. Provide for the safe movement of non-complying bulk packages by rail.
2. Track movements of non-complying bulk packages transported by rail.
3. Assure that proper/necessary repairs are completed by authorized (certified or registered) entities (as appropriate for the defect).
4. Identify systemic safety problems.



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Purpose

§ 180.3 General requirements.

(a) No person may represent, mark, certify, sell, or offer a packaging or container as meeting the requirements of this part, or a special permit pertaining to this part issued under subchapter A of this chapter, whether or not the packaging or container is intended to be used for the transportation of a hazardous material, unless it is marked, maintained, reconditioned, repaired, or retested, as appropriate, in accordance with this part, an approval issued thereunder, or a special permit issued under subchapter A of this chapter.

(b) The representations, markings, and certifications subject to the prohibitions of paragraph (a) of this section include:

- (1) Identifications that include the letters "DOT", "MC", "ICC", or "UN";
- (2) Special permit, approval, and registration numbers that include the letters "DOT";
- (3) Test dates displayed in association with specification, registration, approval, or exemption markings indicating conformance to a test or retest requirement of this subchapter, an approval issued thereunder, or a special permit issued under subchapter A of this chapter;
- (4) Documents indicating conformance to the testing, inspection, maintenance or other continuing qualification requirements of this part; and
- (5) Sales literature, including advertising, indicating that the packaging or container represented therein conforms to requirements contained in subchapter A or C of this chapter.

[Amdt. 180-2, 54 FR 25032, June 12, 1989, as amended by Amdt. 180-3, 58 FR 33306, June 16, 1993; 70 FR 73166, Dec. 9, 2005]



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Purpose

§ 180.507 Qualification of tank cars.

(a) Each tank car marked as meeting a "DOT" specification or any other tank car used for the transportation of a hazardous material must meet the requirements of this subchapter or the applicable specification to which the tank was constructed.



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Current OTMA Procedures (HMG-127 Revision-2)



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Current OTMA Procedures

- HMG-127
 - Published January 31, 2012
 - Revision-1 March 27, 2012
 - Revision-2 October 31, 2012
 - Established three categories of OTMA
 - OTMA-1 (Traditional)
 - OTMA-2 (Written approval from FRA)
 - OTMA-3 (Standing Approval)



Current OTMA Procedures

How to Use the OTMA Notice

Reverse 3-2-1 Process:

- Does known defect meet any of the applicable stated defect situational bullets for an OTMA-3 category movement.
- If a particular OTMA-3 situational bullet can be used ensure that it is able to be applied to the status of the car, i.e. A,B,C or D.
- If OTMA-3 category is applicable to the car in question then just follow the guidance given in the Notice for an OTMA-3.
- If none of the OTMA-3 situational bullets are applicable then it is automatically an OTMA-1.
- If car is an identified “overload” then it is automatically an OTMA-2 category Approval.



Current OTMA Procedures

OTMA-1 Applicability

All tanks containing Poison Inhalation Hazard (PIH) Materials and all other defects that do not meet the criteria for OTMA-2 or OTMA-3.

Examples:

- Damage to tank shell or head
- Stub-sill crack
- BOV leak detected at flanged connection to tank car
- Valve leaking through primary closure on loaded tank car



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Current OTMA Procedures

OTMA-2 Applicability

Overloads by weight (cars overloaded by volume generally will need to be reduced prior to further movement)

Required Information

1. Scale ticket
2. Specific gravity of the commodity at the product loading temperature
3. Specific Gravity of commodity at appropriate reference temperature (see 49 CFR 173.24b(a))
4. Volume (in gallons) and tare weight of bulk package/packageing
5. Innage/outage table for the tank car



Current OTMA Procedures

OTMA-3 (standing approval) Applicability

- Bulk Package/Packaging Status Applicability:
 - A – Loaded bulk packages
 - B – Cleaned and purged bulk packaging
(requires cleaning certificate)
 - C – Residue bulk packages
 - D – Specification bulk packages containing a
non-regulated material



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Current OTMA Procedures

OTMA-3 (standing approval)

Applicability

Specific listing of situational bullets of relatively lower risk defective conditions as specified in HMG-127 Revision-2.

- Service Equipment – Top Fittings
- Service Equipment – Bottom Fittings
- Interior Coating/Linings
- Heater Coils
- Jacket/Insulation
- Derailment Damage



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Current OTMA Procedures

OTMA-3 (standing approval) Examples

- Valve handle stuck in closed position (no leak)
- Illegible or missing car stencils
- Damaged/missing manway safety bolt (provided manway can otherwise be adequately secured using remaining bolts)
- Broken or malfunctioning magnetic gauge rod
- Damaged/missing safety chains or closure plugs/caps (no damage to primary valve)
- Defective heating coils - only for cleaned & purged cars with interior coils OR all cars with exterior coils where defect does not provide a flowpath from product space.
- Residue car BOV leaks through primary valve seat, but not leaking through secondary closure plug/cap (NOTE: Leaks from BOV flanged connections are not OTMA-3)
- Leakproofness testing required to validate repairs made.



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Current OTMA Procedures

NAR's as OTMA-3 Movements

- Bulk packages that have experienced a non-accident release cannot automatically be categorized as an OTMA-3 category for movement.
- However, FRA HQ HM Specialists who review and process OTMA requests, have discretion to authorize movement of a bulk package that has experienced a NAR in transportation to be moved as an OTMA-3 category movement dependent on the specific circumstances involved for any given package.
- Communication and coordination between the applicant/Grantee rep and the FRA HQ HM Specialist is required.



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Current OTMA Procedures

General Requirements

- Package marking for OTMA-2 & OTMA-3
- Shortest route consideration given the nature of the defect and ability to clean and effect repairs to the package
- Notification to the bulk package owner. Owners responsibility to notify the repair facility that a root cause analysis is required of the cause of the defect . NOTE: A RCA is not necessarily required for an OTMA -3 category situation.
- Notification to the consignee or destination facility.
- Applicant who submits the OTMA-3 notification to FRA is considered the “Grantee” and is held responsible for compliance with requirements of the FRA OTMA Process Hazmat Guidance Notice.



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Current OTMA Procedures

Verbal Movement Approval

-Unique circumstances requiring expedited movement





Current OTMA Procedures

➤ Short Movements Authorized by §174.50 Without Approval

“A leaking bulk package containing a hazardous material may be moved without repair or approval only so far as necessary to reduce or to eliminate an immediate threat of harm to human health or the environment when it is determined its movement would provide greater safety than allowing the package to remain in place.”



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Applying for OTMA



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Approval Requirements for Moving Nonconforming Packages by Rail

You have asked for an FRA approval to move a specification rail car (or other bulk package moving by rail) that may or may not contain a hazardous material, when that package no longer conforms to the Hazardous Materials Regulations. In order to assist us in evaluating and processing your request, the information blocks in the attached request guide should be completed as fully and accurately as possible. The collection of this information is authorized under 49 CFR § 171.6 and OMB Control Nos. 2137-0557 and 2137-0059. Although filling out the guide is not required under Federal law, it will help provide all the information necessary for FRA to accurately evaluate and process your Approval request. Please read the questions and answer carefully and completely. Failure to provide all the information requested may result in processing delays. If you have any comments on the guide, please provide them to the address below. If FRA needs additional information to process your application, we will contact you.

On January 31, 2012], FRA implemented a four tier approval system. Guidance on the four tier approval process is available at the following website: http://www.fra.dot.gov/rrs/pages/fp_1799.shtml.

FRA has the enforcement authority and responsibility to ensure the safe transportation of hazardous materials. Nothing in any approval granted as a result of this application limits the Federal Railroad Administration from pursuing enforcement, including the collection of civil penalties, for any violations that predate the approval.

With respect to the movement of tank cars overdue for periodic inspection and test, 49 CFR § 173.31(a)(3) authorizes the movement of such a car if it was loaded while still in date. The regulation forbids the "filling" and subsequent "offering" of a tank car overdue for periodic inspection. A car loaded in date, or a residue car, may be moved to any facility, including a consignee, a repair shop, or a cleaning facility, without FRA approval.

A copy of the Movement Approval must be forwarded to the tank car owner (if different than the grantee).

A Root Cause Analysis, if requested, must contain at least the following information:

- A detailed statement of the problem;
- Factor(s) contributing to the problem, including photographs and drawings
- The cause of the factor(s), if a cause can be determined;
- Steps taken to prevent future occurrence.

The grantee must notify the tank car facility, to which the defective car is sent, of the requirements for a Root Cause Analysis prior to arrival of the car to ensure that the defective condition is adequately investigated. The Root Cause Analysis report, if so required in Section 9 of an issued Approval, should be e-mailed to the HMASSIST@dot.gov e-mail address or, if by mail, to HM Staff member Susan Starks, General Engineer Hazmat Packaging, at the USPS mailing address below. While Approval requests can be mailed or faxed in, it is recommended that an applicant submit the application to the e-mail address listed below.

Submit your request for approval to HMASSIST@dot.gov or, if by mail to:

Federal Railroad Administration
Office of Safety Assurance and Compliance
Hazardous Materials Division
1200 New Jersey Avenue, SE,
RRS-12
Washington, DC 20590

If you want to submit the completed document by fax please contact an HM Specialist.

Current FRA Movement Approval Request Contact List:

Currently Vacant – Karl Alexy, Acting Staff Director 202-493-6245
Kevin Blackwell, HM Specialist 202-493-6315
Lisa Matsinger, HM Specialist 202-493-0324
Erich Rudolph, HM Specialist 202-493-6248
Kurt Eichenlaub, HM Specialist 202-493-6050
Donald Isler, HM Specialist 202-557-1543
Karl Alexy, General Engineer Hazmat Packaging 202-493-6245
Susan Starks, General Engineer Hazmat Packaging 202-493-6306

HMASSIST@dot.gov
HMASSIST@dot.gov
HMASSIST@dot.gov
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Applying for OTMA

Submit your request for approval to HMASSIST@dot.gov or, if by mail to:
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Revision 1

1/31/12



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Information Necessary to Obtain Federal Railroad Administration Movement Approval Approval Number _____

(Assigned by FRA)

[Collection of this information is authorized under OMB Control Nos. 2137-0557 and 2137-0559.]

| | | | |
|---|---------------|------------------------------------|--------------------|
| Date of Application: | (Month) _____ | (Day) _____ | (Year) 20 _____ |
| Company Name: | _____ | | |
| Mailing Address: | _____ | | |
| | (City) _____ | (State) _____ | (Zip) _____ |
| Company Fax (facsimile) Number: | _____ | | |
| Company Contact: | _____ | | |
| Title / Position: | _____ | | |
| Contact Telephone Number: | _____ | Contact E-mail address: | _____ |
| Reporting Mark & Number | _____ | Type of Rail Car/Bulk Package: | _____ |
| DOT tank car/bulk package specification (if other, specify): _____ | | | |
| Complete Hazardous Materials Description: Is the packaging Full <input type="checkbox"/> , Residue <input type="checkbox"/> , or Cleaned and Empty <input type="checkbox"/> | | | |
| DOT Proper Shipping name: _____ | | | |
| DOT Hazard class: _____ | | UN/NA Identification Number: _____ | P.G. Number: _____ |
| ***** NOTE: Attach or forward with this Application a copy of the original shipping paper ***** | | | |
| Where did this shipment originate (Facility): _____ | | | |
| City: _____ | | State: _____ | |
| Origin shipper point of contact: (Name) _____ | | Phone Number: _____ | |
| Present location of car : (Facility or carrier): _____ | | City: _____ State: _____ | |
| Present location point of contact: (Name) _____ | | Phone Number: _____ | |
| Planned destination of this move: (facility): _____ | | City: _____ State: _____ | |
| Planned destination point of contact: (Name) _____ | | Phone Number: _____ | |
| Planned rail route: _____ | | | |
| Approximate total mileage of this movement : _____ miles | | | |
| If more than 30 days will be required to complete movement sought under this approval, please explain: _____ _____ | | | |
| Descriptive: What is the defective condition? OTMA-1 <input type="checkbox"/> OTMA-2 <input type="checkbox"/> _____ _____ _____ | | | |
| From what regulation is relief sought? 49 Code of Federal Regulations Section: _____ | | | |
| ***** NOTE: If car load is overweight, provide a copy of the scale weight ticket, if available, car loading documentation and any other information used to determine the actual weight of the car. ***** | | | |
| Explain, with supporting documentation, the measures you are taking to ensure the safe movement of this car: _____ _____ _____ | | | |

Submit your request for approval to: HMASSIST@dot.gov , or if by mail to the Federal Railroad Administration, Office of Safety Assurance and Compliance, Hazardous Materials Division, 1200 New Jersey Avenue, SE, RRS-12, Washington, DC 20590. Should you have any questions, please call the Hazardous Materials Division at the numbers provided on the cover sheet for assistance. **Be sure to submit above requested attachments! INCOMPLETE OR INACCURATE INFORMATION WILL RESULT IN DELAYING PROCESSING!**

Applying for OTMA



Information Necessary to Obtain Federal Railroad Administration Movement Approval Approval Number _____

(Assigned by FRA)

[Collection of this information is authorized under OMB Control Nos. 2137-0557 and 2137-0559.]

Date of Application: (Month) _____ (Day) _____ (Year) 20__

Company Name: _____

Mailing Address: _____

(City) _____ (State) _____ (Zip) _____

Company Fax (facsimile) Number: _____

Company Contact: _____

Title / Position: _____

Contact Telephone Number: _____ Contact E-mail address: _____

Applying for OTMA

Reporting Mark & Number _____ Type of Rail Car/Bulk Package: _____

DOT tank car/bulk package specification (if other, specify): _____

Complete Hazardous Materials Description: Is the packaging Full , Residue , or Cleaned and Empty

DOT Proper Shipping name: _____

DOT Hazard class: _____ UN/NA Identification Number: _____ P.G. Number: _____

******* NOTE: Attach or forward with this Application a copy of the original shipping paper *******

Applying for OTMA

Where did this shipment originate (Facility): _____
City: _____ State: _____

Origin shipper point of contact: (Name) _____ Phone Number: _____

Present location of car : (Facility or carrier): _____ City: _____ State: _____

Present location point of contact: (Name) _____ Phone Number: _____

Planned destination of this move: (facility): _____ City: _____ State: _____

Planned destination point of contact: (Name) _____ Phone Number: _____

Planned rail route: _____

Approximate total mileage of this movement : _____ miles

Applying for OTMA

If more than 30 days will be required to complete movement sought under this approval, please explain:

Descriptive: What is the defective condition? OTMA-1 OTMA-2

Applying for OTMA

Descriptive: What is the defective condition? OTMA-1 OTMA-2

From what regulation is relief sought? 49 Code of Federal Regulations Section: _____

******* NOTE: If car load is overweight, provide a copy of the scale weight ticket, if available, car loading documentation and any other information used to determine the actual weight of the car. *******

Explain, with supporting documentation, the measures you are taking to ensure the safe movement of this car:

Submit your request for approval to: HMASSIST@dot.gov , or if by mail to the Federal Railroad Administration, Office of Safety Assurance and Compliance, Hazardous Materials Division, 1200 New Jersey Avenue, SE, RRS-12, Washington, DC 20590. Should you have any questions, please call the Hazardous Materials Division at the numbers provided on the cover sheet for assistance. **Be sure to submit above requested attachments! INCOMPLETE OR INACCURATE INFORMATION WILL RESULT IN DELAYING PROCESSING!**



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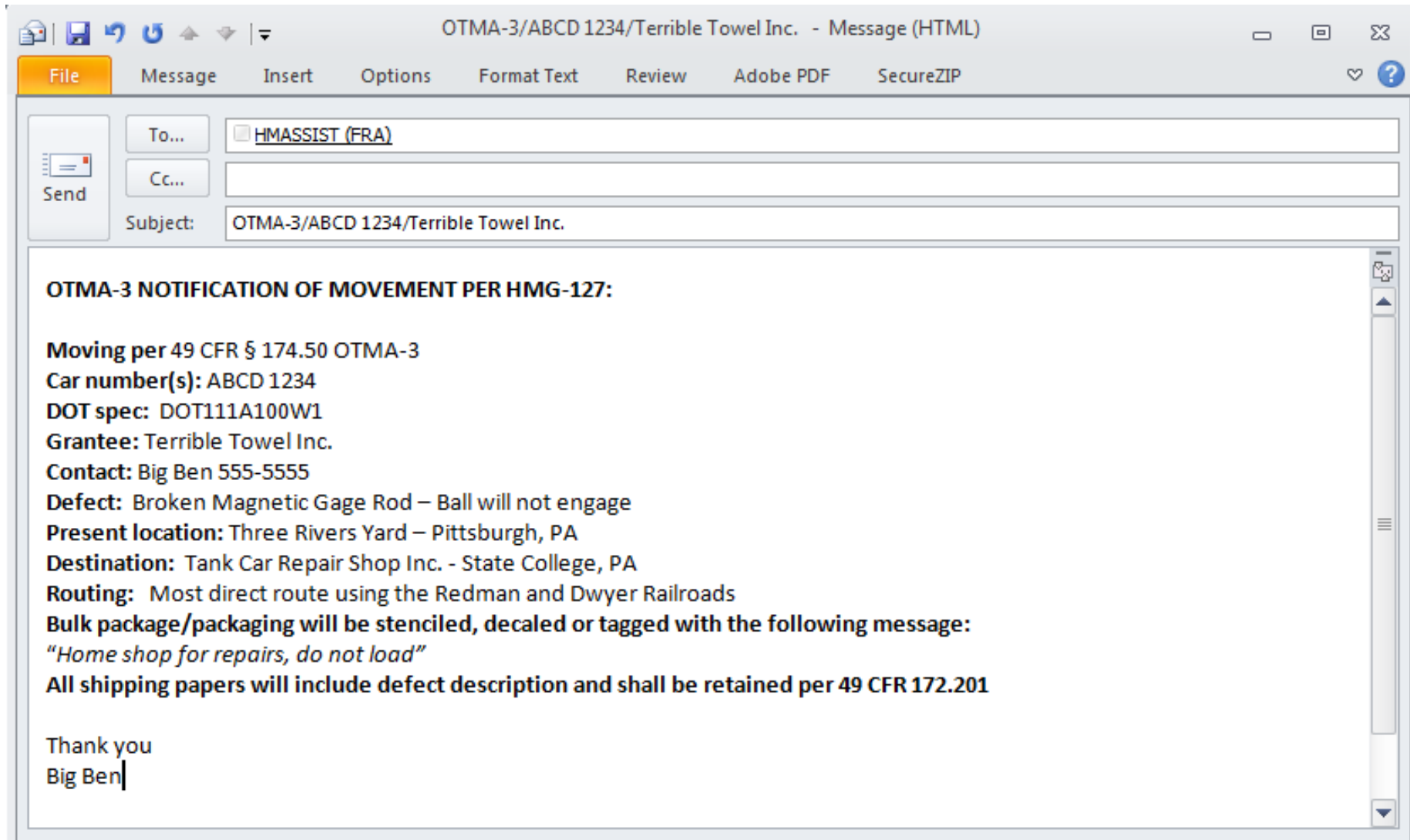


Applying for OTMA OTMA-3

Applicant/grantee self certifies through email notification to FRA that the defective condition meets the criteria in HMG-127 Revision-2 for movement under OTMA-3

Applying for OTMA

OTMA-3 Notification



The screenshot shows an email client window titled "OTMA-3/ABCD 1234/Terrible Towel Inc. - Message (HTML)". The window has a menu bar with "File", "Message", "Insert", "Options", "Format Text", "Review", "Adobe PDF", and "SecureZIP". The "To" field contains "HMASSIST (FRA)", the "Cc" field is empty, and the "Subject" field contains "OTMA-3/ABCD 1234/Terrible Towel Inc.". The main body of the email contains the following text:

OTMA-3 NOTIFICATION OF MOVEMENT PER HMG-127:

Moving per 49 CFR § 174.50 OTMA-3
Car number(s): ABCD 1234
DOT spec: DOT111A100W1
Grantee: Terrible Towel Inc.
Contact: Big Ben 555-5555
Defect: Broken Magnetic Gage Rod – Ball will not engage
Present location: Three Rivers Yard – Pittsburgh, PA
Destination: Tank Car Repair Shop Inc. - State College, PA
Routing: Most direct route using the Redman and Dwyer Railroads
Bulk package/packaging will be stenciled, decaled or tagged with the following message:
"Home shop for repairs, do not load"
All shipping papers will include defect description and shall be retained per 49 CFR 172.201

Thank you
Big Ben



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OTMA-1 and OTMA-2 Compliance

- Movement of a tank car that is not compliant with the conditions and limitations of the written approval issued by FRA is a violation of §174.50.
- Movement of a tank car with defective conditions not disclosed to FRA in the written application for approval is a violation of §174.50.



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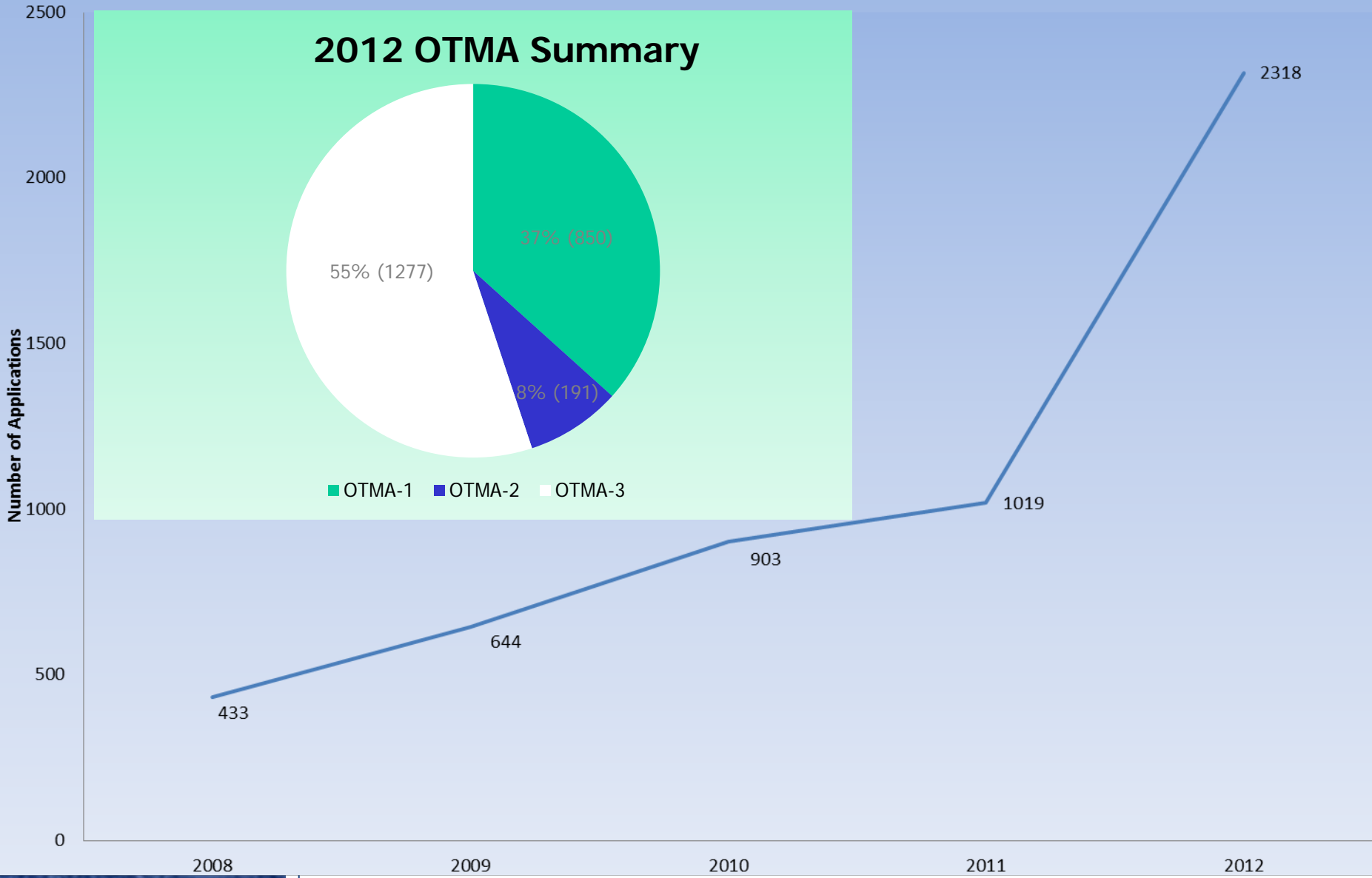
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OTMA-3 Compliance

Movement of a car under OTMA-3 that does not meet the criteria/procedural requirements in HMG-127 Revision-2 for movement as an OTMA-3 is non-compliant with 49 CFR §174.50 and appropriate enforcement actions may be taken.

TIP: If you are unsure if a particular defective condition meets criteria for movement as an OTMA-3 contact a FRA Hazmat Specialist prior to submitting the OTMA-3 notification, or submit the application form as an OTMA-1/OTMA-2 for review by an FRA HQ Specialist.

5-year OTMA Summary





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Special Permits

49 CFR Part 107, Subpart B

- A written document issued by the Associate Administrator of PHMSA authorizing the holder to perform a function that is not otherwise permitted under the hazardous materials regulations.
 - Application/Modification
 - Party to
 - Renewal
 - Safety Evaluation
 - Fitness Review



Special Permits

- Application

1. Is the application complete?

2. Does the applicant sufficiently demonstrate an “equivalent level of safety” to the regulation for which relief is sought?

3. Is the applicant “fit” to operate under the conditions of a special permit?



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Special Permit

- Is the applicant registered with PHMSA as a shipper/carrier of hazardous material?
- Is the applicant registered or certified by AAR?



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Special Permit

- Incident History
 - >1 incident in 12 months
 - >3 incidents in 36 months
- Incident/Evacuation



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Special Permit

- Compliance History
 - Small Business:
 - > 5 defects or 1 violation over past 12 months
 - Large Business:
 - Railroad: >10% defect/observation ratio
 - Shipper: > 50 defects or 5 violations over past 12 months



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Special Permit

- Inspection/Audit
 - Defects/violations
 - Ability to comply with requested terms of special permit
 - 6 or more defects recommend denial
 - 1-5 defects; opportunity for corrective action; 2-4 week follow up audit
 - Recommendation to HQ/PHMSA to Approve/Disapprove



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Coming Attractions



- Development of OTMA FAQ's
- Planning and scheduling of FRA OTMA process Webinars in late Summer/early Fall 2013 timeframe
- Drafting/issuance in summer 2013 of a revision of the FRA OTMA Process Hazmat Guidance Notice HMG-127 to address issues that have been raised with certain parts of the Notice.
- Work is continuing on a Web based OTMA process.



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Questions?



Still have Question?

- Contact me at: 202-493-6050
- Visit FRA's web page: www.fra.dot.gov
- Visit PHMSA's web page: www.hazmat.dot.gov
- E-mail me at kurt.eichenlaub@dot.gov OR
- E-mail HMASSIST@dot.gov



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Additional Resources

- Movement Approval Application
<http://www.fra.dot.gov/eLib/details/L02931>
- Most Current Version of HMG-127 OTMA Guidance
<http://www.fra.dot.gov/eLib/details/L02653>
- PHMSA Special Permits Website:
<http://www.phmsa.dot.gov/hazmat/permits-approvals/special-permits>