



Hazardous Materials Guidance

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Approved: <i>[Signature]</i>	

ONE TIME MOVEMENT APPROVAL PROCEDURES

Introduction

Since 1996, the Federal Railroad Administration (FRA) has had the authority to issue one-time movement approvals (OTMA) for bulk packages/packageings that no longer conform to the Hazardous Materials Regulations (HMR; 49 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. Over the last decade, FRA and the industry have benefited from the collected information from the approval requests and the speed to which these approvals were granted. FRA currently processes in excess of 1,000 movement approval requests per year. The requests for movement approvals vary from dented jackets to those with through-shell cracks that result in the release of a hazardous material. As a practical matter, the safety risks associated with the movement of a bulk package/packageing with a small dent in its jacket are significantly different than those associated with a leaking bulk package/packageing loaded with a hazardous material, and those situations must be dealt with differently.

Given the number of requests and the range of possible nonconforming conditions and respective safety risks, FRA has modified the OTMA process. The changes result from reviewing OTMA data, incorporating prior hazardous materials guidance notices, recommendations from a 2011 Peer Review, and comments submitted to Docket FRA-2011-0004.

The FRA Hazardous Materials Division (FRA-HM) has an established procedure for evaluating and issuing an OTMA for nonconforming or leaking packages per Title 49 Code of Federal Regulations (CFR) §174.50. The applicant must submit information detailing the nonconforming conditions. The collection of this information is authorized under 49 CFR § 171.6 and OMB Control Nos. 2137-0557 and 2137-0059. FRA-HM personnel evaluate the information in order to determine whether it is safe to move the bulk package/packageing, and

what conditions should apply to the movement. If it may be safely accomplished, the move is authorized by the issuance of a signed FRA OTMA.

FRA-HM personnel have evaluated this current process over the years and understand the range of defective conditions and their respective frequencies. In addition, there is a growing awareness of the requirement for obtaining an OTMA to move nonconforming bulk packages/packages, as evidenced by the continually increasing number of requests processed by FRA. A revised process providing greater efficiency without yielding any advances in safety is needed. The OTMA procedures were drafted with the goal of making the system more efficient and allowing FRA-HM to monitor nonconformance more productively.

Procedures

This Hazardous Materials Guidance document contains the revised procedure to be followed by the regulated community to obtain approval to move a noncompliant bulk packages. There will be three categories of OTMA. The categories are as follows:

- OTMA-1 will adhere to the traditional process.
- OTMA-2 will require notification and acknowledgement by FRA
- OTMA-3 is a standing approval.

Each is described in detail in the following sections. In addition, a flowchart has been developed to assist in determining the appropriate OTMA category for a specific defect. The flowchart can be found in Attachment A [NOTE: The flowchart is intended to be used as a compliance tool and does not relieve the shipper from adhering to the specific conditions and procedures described in this document]. Listed below are general requirements and limitations of the OTMA process.

- Approvals for bulk packages that are actively leaking will generally not be issued; however, they may be moved "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." 49 CFR § 174.50.
- Approval is needed to move nonconforming U.S. Department of Transportation (DOT) specification bulk packaging, or other bulk packaging containing a regulated hazardous material, even if it is secured in or on a rail car. Approvals will not generally be granted to move tank cars that are overloaded by volume and have insufficient outage in the tank for the product they contain. In these instances, shippers will need to arrange for transloading with the rail carrier in possession of the shipment.
- FRA cannot issue movement approvals for bulk package/packages that are offered into transportation for interchange service and exceed the age limits prescribed in the Association of American Railroads' (AAR) Interchange Rules, Rule 90. This is not a Federal regulatory age limit, and persons with cars affected by this will need to seek resolution with the Association of American Railroads and the rail carriers involved.

- An approval issued by FRA is only applicable to movements of a defective bulk package/packaging by rail within the United States. Authorized movement of defective bulk package/packaging in Canada requires the issuance of a "temporary certificate" from the appropriate representatives of Transport Canada. The requestor will need to coordinate the request and obtain corresponding approval from Transport Canada for cross-border shipments. Movement of defective bulk packages/packagings across the border, to or from Mexico, also requires an applicant to coordinate with the appropriate Mexican agency representatives.
- For the purpose of this document an empty bulk package will be considered residue unless a cleaning certificate is provided.
- This document addresses movement approvals of a bulk package/packaging that no longer conforms to the HMR, and provides no relief from any regulation other than as specifically related to the nonconforming condition for which the OTMA was granted. The approval to move a bulk package/packaging that does not conform to the regulations in Subtitle B of 49 CFR Parts 200-299 must be obtained from FRA's Motive Power and Equipment Division.
- 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. A rail carrier may require alternate solutions that do not involve further movement on its rail system. FRA suggests that the applicant contact appropriate representatives from the rail carriers that will be involved in moving the defective packaging prior to submitting the approval request. This will ensure that the rail carriers are willing and able to conduct transportation of the packaging on their respective systems in order to get the packaging to the requestor's desired location upon issuance of an approval by FRA.
- The requestor is required to maintain information regarding movements, subject to this document, and must make it available upon request to FRA personnel. (Paperwork shall be retained per 49 CFR § 172.201.)
- Failure to comply with the provisions of this document may result in recommendations for enforcement and civil penalties. Furthermore, FRA may issue written notification to any entity found to be noncompliant with the procedure specified in this document requiring that entity to submit all future OTMA requests in accordance with the procedures specified for OTMA-1 regardless of the identified defect. This limitation will apply to the particular entity until otherwise notified by writing by FRA.
- FRA reserves the right to change the contents of this document as conditions require. Additionally, at any point where safety may be compromised, FRA reserves the right not to issue an approval.

OTM A-1 (Traditional)

An OTMA-1 follows the traditional approval process and applies to a bulk packaging containing PIH materials as well as nonconforming conditions not specifically identified in the current version of this document. All requirements related to the continued movement of the nonconforming rail car or other bulk packaging will be detailed in the signed OTMA, which will be sent to the applicant via fax or email.

The following information is to be submitted with the of a one-time movement request for the specified noncomplying conditions. This information will permit an evaluation of the defective condition and determination of whether the bulk package/package can be moved safely. When photographs are requested, appropriate views should include both an overview of the car, defect, and fittings as well as clear closeup views of the fitting or defect. Also helpful are photograph of the car stenciling including specification and qualification information. Failure to provide the information below may result in the delay in evaluation or denial of your request.

Breaches in tank shell and cracks in sill:

- Dimensions, locations, and orientations of cracks.
- Photos or diagrams that provide perspective of location.
- Photos of the cracks.
- Data (facility, date, and inspection records related to the area with a defect) regarding most recent qualification.

Defective valves and fittings:

- Photos of the fittings arrangement.
- Orientation of fittings arrangement indicating the "A" or "B" ends of the car.
- Make/model of defective fittings.
- Data (facility and date) regarding installation or most recent qualification.
- Location of defect (i.e., at gasket, ball, stem, etc.).

Shifted and/or damaged jacket:

- Photos (providing perspective and detail).
- Identify damaged service equipment.

While not all inclusive, this list of nonconforming conditions and the respective information is intended to provide perspective as to the information that will be requested on all nonconforming conditions.

OTMA-2 (Written Notification)

An applicant must submit written notification to FRA containing information related to the nonconforming condition and shipping papers for the bulk package/package. In addition, FRA is requesting the following information be submitted to facilitate processing:

- Scale tickets.
- Loading temperature and specific gravity of commodity at the loading temperature from § 173.24b(a).
- Specific gravity of commodity at appropriate reference temperature.
- Volume (in gallons) and tare weight of bulk package/packaging.
- Innage/outage table for the tank car.

After the information is received, evaluated, and approved, the grantee will receive notice, via fax or email, that the review was completed and movement is authorized under this OTMA category. The grantee will be required to ensure that the words, "Moving per 174.50: OTMA-2," are placed on all shipping documentation that is transmitted to each rail carrier involved in the movement of the nonconforming shipment in a location that clearly associates the notation with the basic shipping description. Additionally, a grantee of an OTMA-2 must comply with the General Requirements section of this document unless otherwise excepted by the written acknowledgement from FRA. An OTMA-2 will be applicable for bulk package/packaging, or other railcars (e.g., covered hopper cars containing a regulated hazardous material), that are 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/packaging that is overloaded by greater than 1,000 pounds of the allowable total GRL on a static scale.

The grantee will have 60 days from the date of FRA's written OTMA-2 approval to move the bulk package to the destination specified in the approval request

Unless explicitly excepted, the grantee must submit a root-cause analysis report to FRA that identifies (1) the cause of the overload condition, and (2) corrective and preventive actions (see address below), within 90 days of issuance of the approval. If the grantee is unable to provide a root cause analysis in the allotted time, they must request an extension.

Federal Railroad Administration
RRS-12, Mail Stop 25, 3rd Floor West
1200 New Jersey Avenue, SE
Washington, DC 20590
Fax: (202) 493-6309
HMASSIST@dot.gov

OTMA-3 (Standing Approval)

An OTMA-3 is an approval that will be used for a specific list of nonconforming conditions. Persons in possession of a nonconforming bulk package/packaging will be permitted to use the standing approval provisions of OTMA-3. Prior to offering a nonconforming car under this category for transportation, an email must be submitted to HMASSIST@dot.gov. At a minimum, the subject line of the email must include the notation "OTMA-3/Car Number/Name of Applicant." The body of the email must contain the following information:

Moving per 49 CFR 174.50 (OTMA-3)

Car number(s):

DOT spec:

Grantee:

Contact:

Defect:

Present location:

Destination:

Routing:

Bulk package/package will 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.

For all shipping papers transmitted or provided to each rail carrier involved in the movement of the nonconforming shipment, each person implementing this category will be required to include a description of nonconformance and the words, "Moving per 174.50: OTMA-3," along with 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 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 shipment (e.g., a waybill for the defective package/package).

Movement under this standing approval is authorized only for the purpose of moving a bulk package/package for, cleaning, repair, or dismantling; or continued movement for unloading followed by cleaning, repair, or dismantling and the car is represented as meeting its DOT Specification. A grantee of an OTMA-3 must satisfy the General Requirements section of this document. A bulk package/package involved in a non-accident release may not be moved under an OTMA-3 unless authorized by an FRA HQ HM Specialist. Persons in possession of a nonconforming bulk package/package containing PIH (loaded or residue) may not use the provisions of OTMA-3.

Any nonconforming condition not covered by this category must be reviewed by a Railroad Safety Specialist from the Hazardous Materials Division of the FRA Headquarters Office (HQ HM Specialist). The HQ HM Specialist will, at their discretion, make the determination of proper OTMA category.

Applicability:

- A Loaded bulk packages
- B Clean bulk packaging (cleaning certificate required)

C Residue bulk packages

D Bulk package containing a nonregulated material

The nonconforming, circumstances, and/or conditions covered by this category, along with the appropriate applicability, are as follows:

Service Equipment -Top Fittings

- A bulk package/packaging may continue in transportation after replacement of a valve or fitting, other than a pressure relief device, with a closure to prevent the release of material (e.g., replacement of a defective vacuum relief valve with a pipe plug, or a liquid or vapor valve with a blind flange). Applicability-B, C, D
- The following corrective action of service equipment is limited to activities that do not require removal of the valve or fitting from a bulk package/packaging:
 - o Tightening the valve, fitting, or closure (except fittings designed and approved by the AAR to be secured repeatedly such as a hinged and bolted manway) to the bulk package/packaging. Applicability-B, C
 - o Replacing an external O-ring on a pressure relief device (after the bulk package/packaging is unloaded the valve must be re-qualified). Applicability-A, B, C, D
 - o Repacking a valve stem and/or securing the packing nut (this excludes a TOBOV stuffing box). Applicability-A, B, C, D
- A bulk package/packaging with missing or damaged service equipment parts, provided the service equipment is free from leakage (e.g., missing magnetic gauging device rod, top or bottom valve handles, a quick-inspect port cable, or pipe-plug chain). Applicability-A, B, C, D
- A bulk package/packaging moving to a registered or certified facility for a required leakage pressure test to verify the integrity of the completed repairs. Applicability-B, C, D
- A clean bulk packaging having a defective valve and moving for repair at a registered or certified repair facility or dismantling.
- A general purpose bulk package/packaging that has damage to the protective housing. Applicability-A, B, C, D

Service Equipment-Bottom Fittings

- Defective bottom outlet valve that is not leaking through the secondary closure. This does not include the flanged connection between the valve and tank. Applicability-B, C, D.
- A bulk package/packaging that has the primary bottom discontinuity closure intact, but has incurred damage to the secondary closure portion of the bottom discontinuity and/or bottom discontinuity protection. Applicability-B, C, D

Interior Coating/Lining

- A bulk package/package with a defective interior lining or coating that has not resulted in damage to the tank shell or head (bulk packages/package with a defective coating or lining installed for product purity is not subject to these safety control measures).
Applicability-B, C, D

Heater Coils

- A bulk package/package with a defective interior heater coil provided the package/package is cleaned and purged of all hazardous material residues.
Applicability-B
- A bulk package/package with a defective exterior heater coil provided the defect does not compromise the integrity of the tank. Applicability-A, B, C, D

Jacket/Insulation

- A bulk package/package that has incurred damage solely to its jacket, such that the jacket is no longer "weather-tight," may continue in transportation to destination for unloading, and further movement for cleaning, repair, or dismantling. The requestor must verify that there is no damage to the tank shell or tank head. Applicability-A, B, C, D

Derailment Damage

- A bulk package/package with damage resulting from a collision or derailment, which is loaded onto or into another rail car conveyance such as a flatcar or gondola car.
Applicability B, C

General Requirements

The following are general requirements that apply to grantees of OTMA-2 and OTMA-3:

- Prior to moving a nonconforming bulk package/package, regardless of the lading, the bulk package must have the following stencil, decal, or tag applied-with the following wording, or similar wording, that conveys this message-to both sides of the bulk package/package in a location that is readily visible, as appropriate.

HOME SHOP
FOR REPAIRS
DO NOT LOAD

or

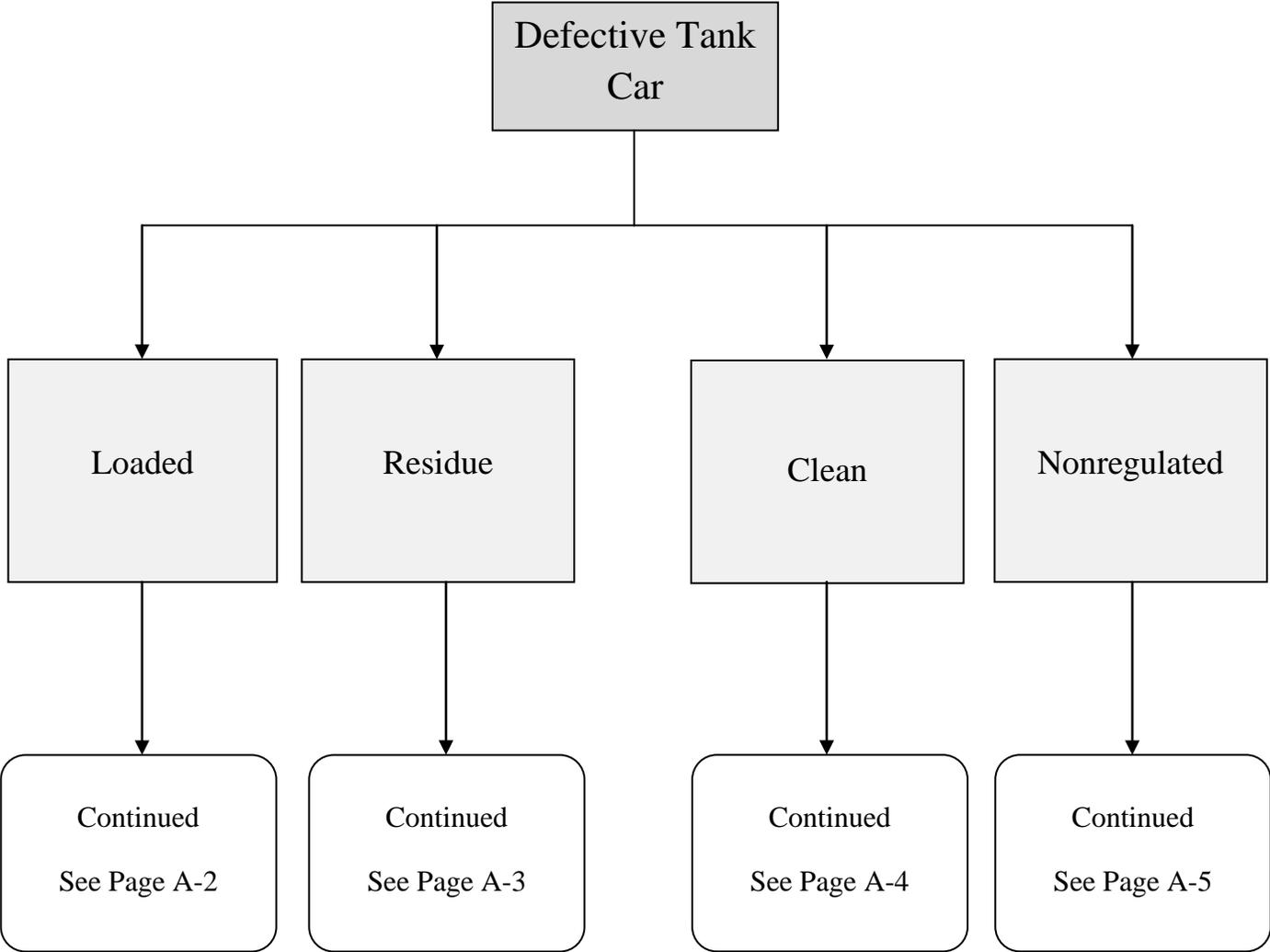
MOVING FOR DISMANTLING
DONOTLOAD

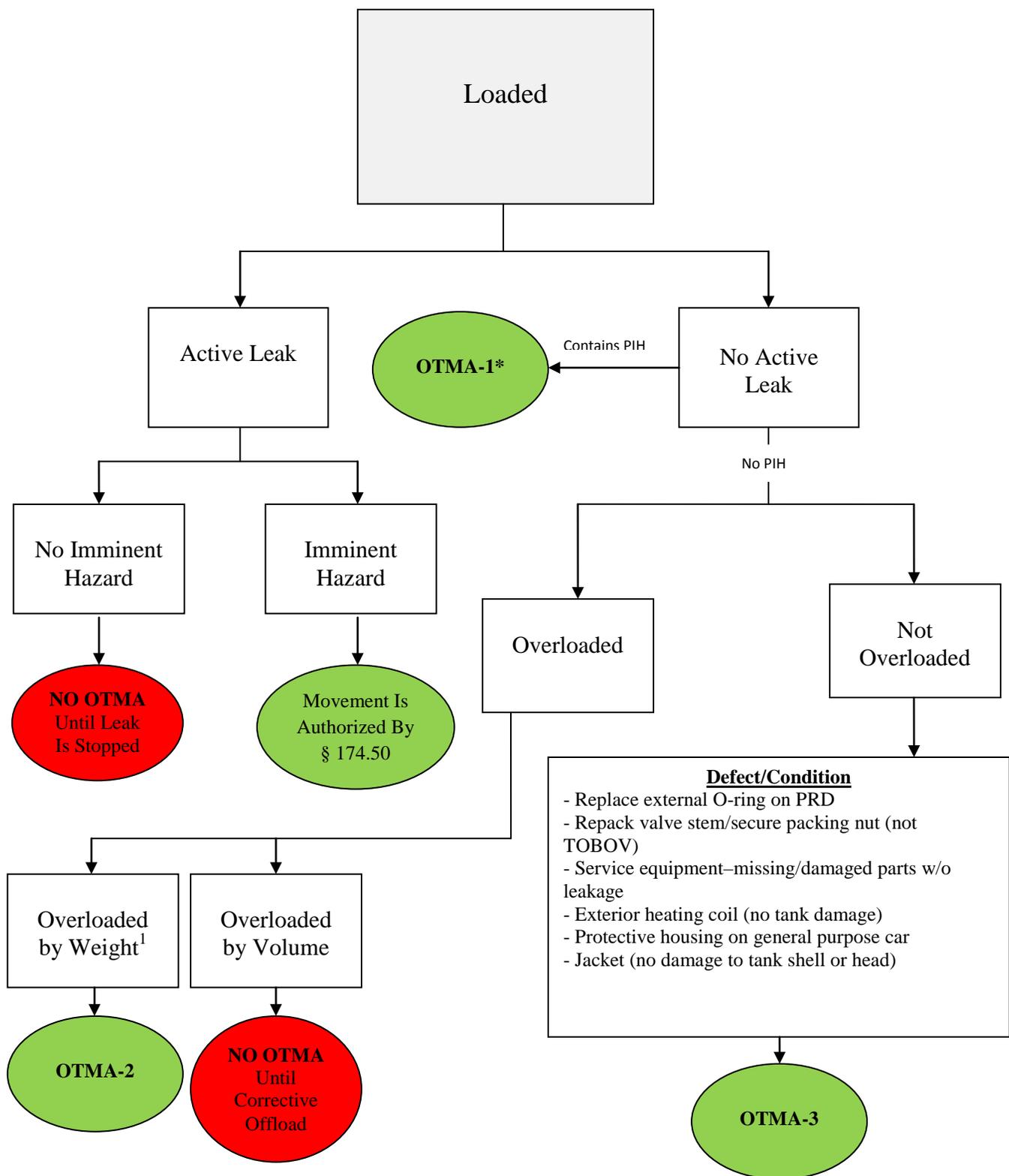
In addition, for bulk packages/packages with defective service equipment, the specific valve or fitting must be tagged with the above wording or wording that conveys a similar message, as appropriate.

The bulk package owner shall be immediately notified that the car is being held for disposition, and such notification should state where the car is held and the location of leak or other defective condition. The owner must furnish disposition of the leaking car within 15 days. Stenciling must not be removed until appropriate repairs are made to the bulk package/packaging.

- An offeror of a nonconforming bulk package/packaging and the railroad, 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 work.
- The bulk package/packaging owner must be notified so they can direct the bulk package/packaging to the appropriate bulk package/packaging facility. Once notified, the owner is responsible for notifying the bulk package/packaging facility of the requirements for a root cause analysis.
- The grantee should 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.
- After submitting an email indicating the use of the OTMA-3, the originator of the movement of the bulk package/packaging will be held responsible for compliance with all requirements of this document.

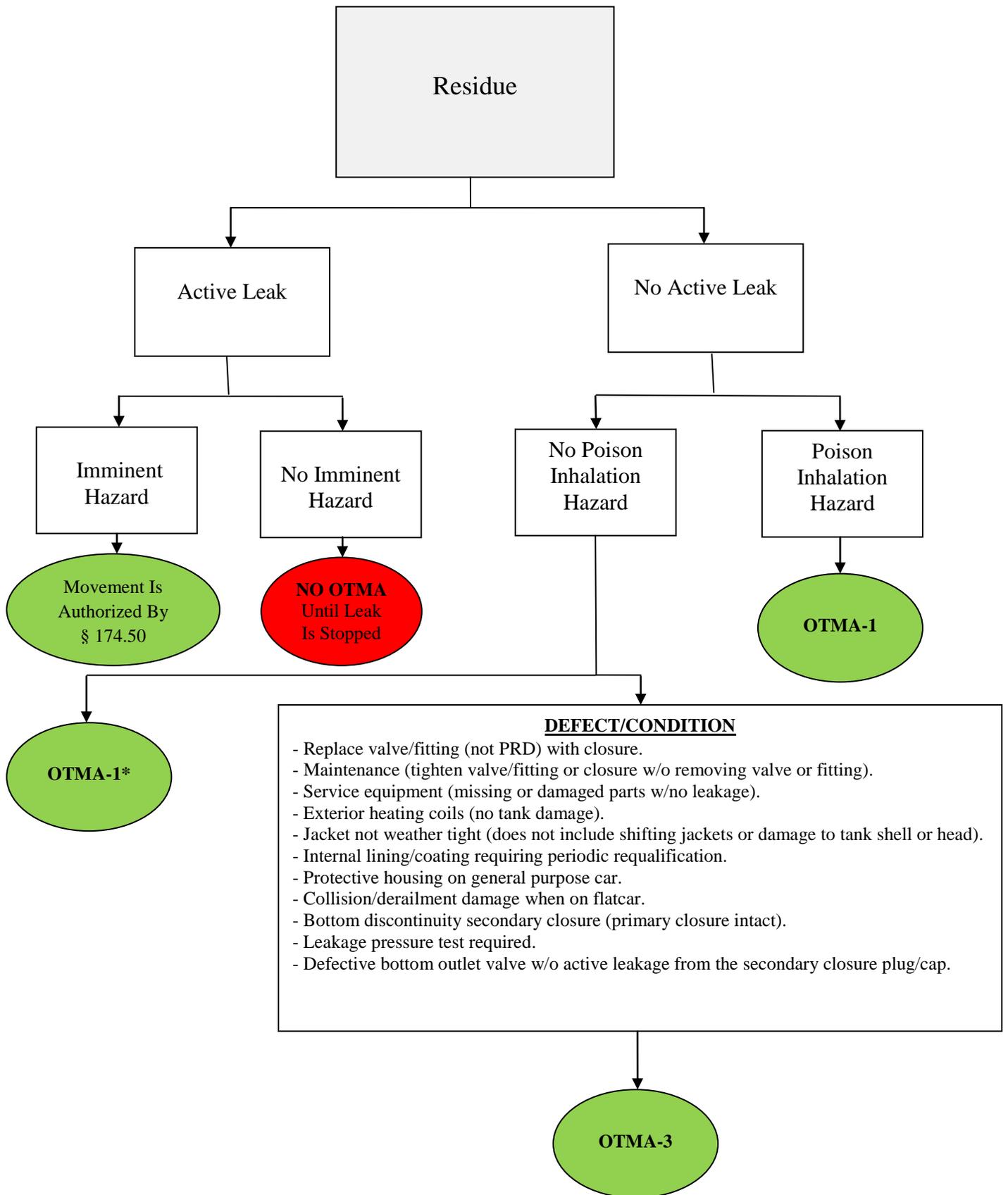
Attachment A
One-Time Movement Authority (OTMA) Flowchart



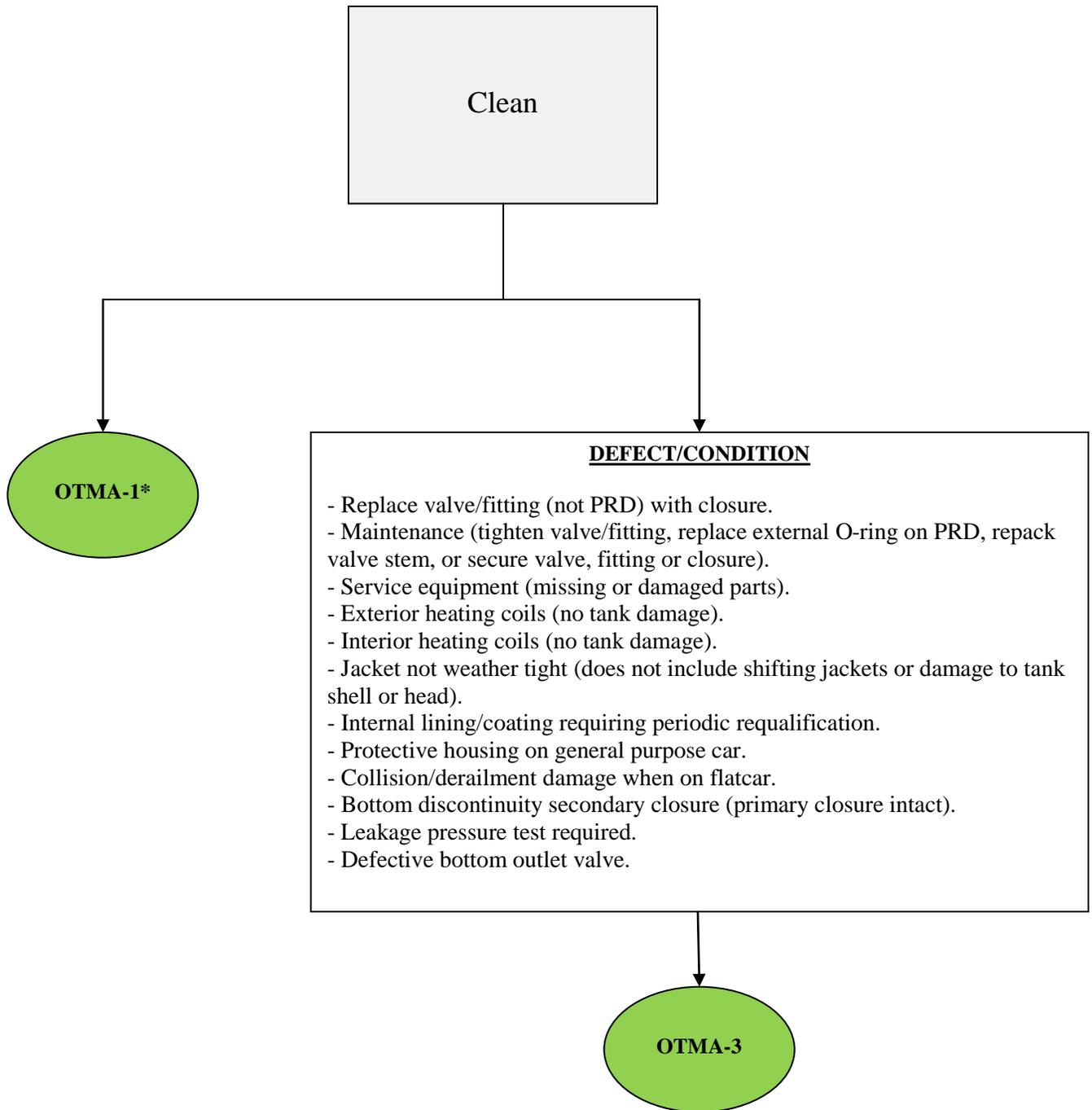


¹ A movement approval is required for a tank car loaded with more than 1 percent over the gross rail load (GRL) rounded up to 100 lbs, on weight-in-motion scale; or more than 1,000 lbs over the GRL on a static scale.

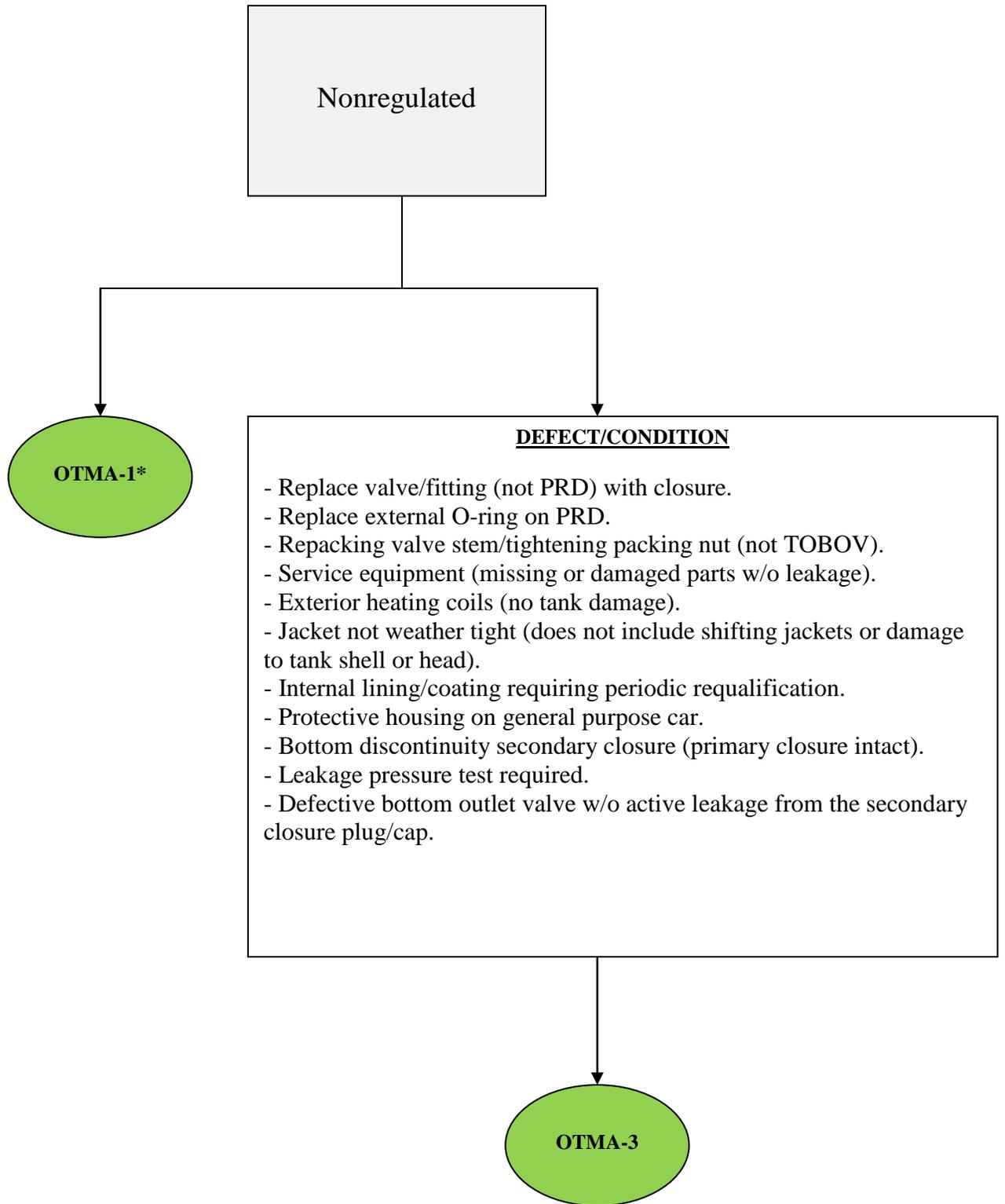
* Required for all defects not otherwise specified in the flowchart.



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