

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 ship, 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
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Karl Alexy, General Engineer Hazmat Packaging 202-493-6245
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