

Status of FAST Act Mandates

Briefing for the Office of Management and Budget



Pipeline and Hazardous Materials Safety

Office of Hazardous Materials Safety

January 27, 2017



FAST Act Mandates

Phase Out of All Tank Cars Used to Transport Class 3 Flammable Liquids

Thermal Blankets

Minimum Requirements for Top Fittings Protection for Class DOT-117R Tank Cars

- **Completed.**
- These three mandates (Sections 7304, 7305, 7306) were combined into one rulemaking, “FAST Act Requirements for Flammable Liquids and Rail Tank Cars (HM-251C) Final Rule.” The Final Rule was submitted to the *Federal Register* on August 15, 2016.

Rulemaking on Oil Spill Response Plans (Section 7307)

- Drafting Final Rule and Regulatory Impact Analysis (RIA).
- Last provided update to Congress on March 29, 2017.
- Publication in the *Federal Register* is scheduled for July 2017.



FAST Act Mandates

Real-time Emergency Response Information (*Section 7302*)

- Issued an Advanced Notice of Proposed Rulemaking (ANPRM) to solicit information on the impacts of establishing 24/7 fusion center operations.
- The ANPRM was published in the *Federal Register* on January 19, 2017. The comment period closes on April 19, 2017.
- Letters sent to NGA and NFCA to ensure awareness of the public notice and request input on March 9, 2017.

Modification Reporting (*Section 7308*)

- On December 1, 2016, the Bureau of Transportation Statistics and PHMSA signed a Memorandum of Understanding (MOA).
- On December 2, 2016, PHMSA sent the first reporting requirement to Congress.
- PHMSA sent the 60-Day *Federal Register* Notice for the Tank Car Survey for publication on January 19, 2017.
- Volpe is collecting the system requirements to design and develop the data collection tool.



FAST Act Mandates

Hazardous Materials by Rail Liability Study (*Section 7310*)

- On July 15, 2016 Volpe completed an initial Data and Literature review.
- In October 2016, two listening sessions were held with stakeholders.
- Volpe completed Section I of the report and delivered a complete report on December 16, 2016.
- The Final Report is scheduled for submission by April 4, 2017.



FAST Act Mandates

Study and Testing of Electronically Controlled Pneumatic Brakes (ECP) (Section 7311)

- FRA and PHMSA are collaborating on this mandate.
- One December 26, 2016, FRA presented a test plan to validate a number of assumption and values used in ECP benefit modeling to the TRB committee under contract with DOT to oversee FRA testing. On February 21, 2017, The National Academy of Sciences (NAS) completed their initial assessment of ECP brake testing proposed by FRA and issued a Letter Report. FRA is developing a response.

Report on Crude Oil Characteristics Research Study (Section 7309)

- Task 1- Literature Survey of Crude Oil Properties Relevant to Handling and Fire Safety in Transport. **Completed.**
- Task 2
 - Sandia presented interim findings in December 2016.
 - Final report expected in April 2017
- Task 3- Underway
 - will examine through modelling and testing the effects of individual characteristics of select crude oils based on burn behavior.
 - Completion of this task is expected by the end of FY 2017
- Task 4- delayed pending the outcomes/findings of Task 3



FAST Act Mandates

National Emergency and Disaster Response (*Section 7201*)

- No mandate, but may require rulemaking.

Improving the Effectiveness of Planning and Training Grants (*Section 7203*)

- On October 11, 2016, the NPRM was published in the *Federal Register*. The comment period closed December 19. No comments were received.
- Final Rule is being drafted.
- Expected date of completion is June 2017.

Community Safety Grants (*Section 7301*)

- **Completed.**
- 2 Community Safety Grants were issued: Commercial Vehicle Safety Alliance (CVSA) and Sustainable Workplace Alliance (SWA).
- On December 11, 2016, the Administrator met with Community Safety Grant recipients.

Wetlines Rule Withdrawal (*Section 7206*)

- **Completed.**
- Withdrawal published on December 30, 2015.



FAST Act Mandates

Improving the Publication of Special Permits and Approvals (*Section 7204*)

- **Completed.**
- On July 22, 2016, the FAST Act report page went live on the PHMSA/OHMS website.

Enhanced Reporting (*Section 7205*)

- **Completed.**
- On February 22, 2016, “Report to Congress: Transportation of Hazardous Materials 2013-2014 Biennial Report” posted on PHMSA’s website.

GAO Study on Acceptance of Classification Examination (*Section 7207*)

- Report to Congress submitted by GAO on July 28, 2016.
- Developed and submitted action plan for planning
- February 2017, GAO approved new due date of 11/2017 for Recommendation 1.

