

Hazardous Materials: FAST Act Requirements for Real-Time Train Consist Information
Pipeline and Hazardous Materials Safety Administration
PHMSA–2016–0015 (HM–263)

The Association of Public-Safety Communications Officials, Inc. (APCO)¹ submits the following comments in response to the Pipeline and Hazardous Materials Safety Administration’s (PHMSA’s) Notice of Proposed Rulemaking (NPRM) regarding “Hazardous Materials: FAST Act Requirements for Real-Time Train Consist Information.”² As the nation’s oldest and largest organization of public safety communications professionals, APCO appreciates the opportunity to opine on PHMSA’s proposed rules for notifying emergency responders of rail transportation incidents involving hazardous materials.

Emergency communications centers (ECCs) are often the first to become aware of emergency situations, including incidents involving hazardous materials, and play a key role in managing the emergency response. ECCs gather essential information about the emergency, coordinate appropriate response resources, assess scene safety, and disseminate critical information to the public and responders in the field. PHMSA recently recognized the importance of ECCs having timely access to critical information about hazardous materials involved in a rail transportation incident³ and rules are already in place to call 9-1-1 concerning pipeline incidents involving hazardous materials.⁴

¹ Founded in 1935, APCO is the nation’s oldest and largest organization of public safety communications professionals. APCO is a non-profit association with over 40,000 members, primarily consisting of state and local government employees who manage and operate public safety communications systems – including 9-1-1 emergency communications centers (ECCs), emergency operations centers, radio networks, and information technology – for law enforcement, fire, emergency medical, and other public safety agencies.

² Hazardous Materials: FAST Act Requirements for Real-Time Train Consist Information, 88 Fed. Reg. 41541 (June 27, 2023) (“NPRM”) available at [Federal Register :: Hazardous Materials: FAST Act Requirements for Real-Time Train Consist Information](https://www.federalregister.gov/documents/2023/06/27/41541-hazardous-materials-fast-act-requirements-for-real-time-train-consist-information).

³ See Safety Advisory Notice Encouraging the Use of Real-Time Train Consist Information in 9-1-1 Call Centers, U.S. Dept. of Transp. Pipeline and Hazardous Materials Safety Admin., Office of Hazardous Materials Safety (July 11, 2023) available at <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/2023-07/PHMSA%20Safety%20Advisory%20Notice%20-%2009-1-1%20Call%20Centers.pdf>.

⁴ See 49 CFR § 196.109 (requiring excavators to promptly report the release of hazardous materials from pipelines resulting from excavation activity to 9-1-1).

In the event of a hazardous material release resulting from a rail transportation accident or incident, PHMSA proposes to require railroads to promptly notify state-authorized local first responders within at least a 10-mile radius of the incident by forwarding “train consist information”⁵ in electronic form to those personnel.⁶ In its proposed rule, PHMSA notes that notification may be accomplished through ECCs.⁷

APCO agrees that emergency responders, including ECCs, should have access to train consist information and be notified of rail incidents involving hazardous materials. When a rail incident occurs, ECCs may receive notification of the incident from railroad personnel on scene calling 9-1-1 (in addition to receiving 9-1-1 calls from the public). During the call, the 9-1-1 professional can request additional information from the railroad personnel, such as train consist information, needed to provide the appropriate response and provide instructions for receiving the information, such as via email or internet-based access (or the Railcar ID for use via the AskRail app).

However, APCO cautions against relying solely on ECCs to push out train consist information to area first responders. The technology available to ECCs today is mostly limited to the ability to receive voice calls and some text capabilities. ECCs cannot yet seamlessly share data with first responders in the field and instead must convey this information via dispatch radio communications. The public safety community, including APCO, has been advocating for a federal grant program to establish Next Generation 9-1-1 (NG9-1-1) nationwide, which would enable ECCs to receive supplemental data, such as train consist information, and seamlessly

⁵ PHMSA proposes to define “train consist information” as “a record of information ... of the position and content(s) of hazardous materials rail cars” where the record includes “contact information for a railroad-designated emergency point of contact; the point of origin and destination of hazardous materials ... shipping paper information ... and emergency response information.” NPRM at p.41550; *and see, id.* at p.41560 (proposed §§ 171.8 and 174.26).

⁶ *Id.* at p.41560 (proposed § 174.28(a)).

⁷ *Id.* (proposed § 174.28(b)).

share this data with other ECCs and responders in the field.⁸ Until NG9-1-1 is fully deployed nationwide, ECCs may have differing options to receive notifications and information from railroads and subsequently push information out to others. Given these disparities, railroads should support options for notifying and making train consist information available to emergency response agencies directly (in parallel to ECCs).

To evaluate compliance with the proposed notification rules, PHMSA explains it is primarily concerned with whether railroads have “a comprehensive, verified list of persons and pertinent contact information for authorized local first response personnel along a route,” and “protocols and training for railroad personnel to ensure that such notifications can occur promptly following an accident or incident.”⁹ APCO agrees with this approach. In the case of ECCs, as noted above on-scene railroad personnel should call 9-1-1 to make the initial notification to ECCs. At the same time, and as a best practice, railroads should be responsible for obtaining, and regularly updating, contact information for ECCs along their routes. For instance, railroads should have on hand alternative 10-digit numbers to reach ECC administrative lines in the event notification via an on-scene call to 9-1-1 would not be possible, such as due to a lack of cellular coverage or if remote, rather than on-scene, railroad personnel were responsible for making the notifications.

Finally, PHMSA proposes to require train consist information to include the location and contents of hazardous materials in a rail car, contact information for a railroad-designated emergency response point of contact, the point of origin and destination of the hazardous materials, the shipping paper information, and relevant emergency response information.¹⁰

⁸ See Spectrum Auction Reauthorization Act, H.R. 3565, 118th Cong., § 201 (2023) available at <https://www.congress.gov/bill/118th-congress/house-bill/3565/text>.

⁹ NPRM at p.41552.

¹⁰ *Id.* at p.41560 (proposed §§ 171.8 and 174.26).

APCO supports this list and would add the following information to any notifications made to ECCs:

- Size and location of the release of hazardous materials;
- Relevant placard number(s);
- Information about individuals impacted by the incident, if applicable; and
- Contact information for railroad personnel on scene in the event the designated emergency response point of contact is not present at the incident.

Respectfully Submitted,

APCO INTERNATIONAL

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