RSPA-1992-12650-1

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BEFORE THE RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION
OF THE U.S. DEPARTMENT OF TRANSPORTATION 92 SEP 25 AM 8:10

PETITION OF THE ASSOCIATION OF AMERICAN RAILROADS

ELIMINATION OF TRAIN PLACEMENT RESTRICTIONS
ON CLASS 3, PG III, MATERIALS

The Association of American Railroads (AAR)[1] submits the following petition to eliminate the train placement restrictions on class 3 (flammable liquids), PG III, materials. AAR proposes that this be accomplished by amending the Group 2 entry in the section 174.85(d) table. In the Group 2 entry, the parenthetical after "Class 3" would be amended to read as follows: "(flammable liquid; PG I and PG II)."

In Docket No. HM-181, AAR requested that the train placement restrictions on Class 3, PG III, materials be lifted.[2] These are flammable liquids with flash points between 23°C and 60.5°C. In response, FRA stated that AAR's request was "beyond the scope of Docket HM-181."[3] Accordingly, AAR is bringing this request before RSPA in the form of a petition.

There is no reason to restrict the train placement of PG III flammable liquids. PG III train placement restrictions have resulted from rulemaking actions directed at problems unrelated to train placement.

Ten years ago, in Docket HM-102, RSPA raised the flash point for flammable liquids from 23°C to 38°C and thus subjected a new group of materials to the train placement restrictions. RSPA expanded the flammable liquid class for reasons unrelated to train placement. However, the expansion of the flammable liquid class automatically subjected the new group of flammable liquids to the train placement restrictions since RSPA's rules impose train placement restrictions on all flammable liquids. The imposition of train placement restrictions on these new flammable liquids was truly an unintended result of HM-102.

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[1]A trade association whose member railroads operate 83% of the line haul mileage, employ 93% of the workers, and produce 94% of the freight revenues of all railroads in the United States.

[2]*See* AAR's March 21, 1991, Petition for Reconsideration, at 7; July 16, 1990, Comments for HM-181C, at 6; May 25, 1988, Comments for HM-181, at 3.

[3]Performance-Oriented Packaging Standards, 56 Fed. Reg. 66124, 128 (Dec. 20, 1991). RSPA stated that "train placement documentation is being addressed in a forthcoming rulemaking action under Docket HM-201A." This request does not merely address documentation. In any event, HM-201A has not yet been published.

Similarly, the expansion of the flammable liquid class in HM-181 to encompass materials with flash points between 38°C and 60.5°C subjected another group of materials to RSPA's train placement restrictions even though that was not the purpose behind the raising of the flash point threshold. As a result of the actions in HM-102 and HM-181, flammable liquids between 23°C and 60.5°C have become subject to train placement restrictions without any safety justification.

RSPA should exempt flammable liquids in Class 3, PG III, from the train placement restrictions because that class encompasses flammable liquids with flash points between 23°C and 60.5°C. This can be accomplished by the amendment AAR has suggested for the section 174.85(d) table.

Respectfully submitted,

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