

Friday, October 15, 2004

Docket Management System
U.S. Department of Transportation
400 Seventh Street, SW
Nassif Building, Room PL 401
Washington, DC 20590-001

RE: Docket No. RSPA – 2004-18730

The Railway Supply Institute (RSI) is the international trade association of the railway and rail rapid transit supply industry. The following comments concerning Docket No. RSPA – 2004-18730 Enhancing Rail Transportation Security for Toxic Inhalation Hazardous (TIH) Materials are submitted on behalf of the RSI Committee on Tank Cars (RSICTC).

Members of the RSICTC design and build railroad tank cars. In addition members of RSICTC own and/or manage more than 180,000 tank cars or over 70% of the tank cars operating in revenue service throughout North America. These companies are ACF Industries LLC; GATX Rail; GE Rail Services Corporation; PLM Industries, Inc.; Trinity Industries, Inc.; and Union Tank Car Company. The RSICTC appreciates the opportunity to comment on the Federal Register Notice referenced above.

In 2003, North American Railroads delivered several million carloads of hazardous chemicals and fuels with few problems. This is the result of the dedication of the tank car manufacturers, tank car owners, railroads and shippers to the continued improvement in the design and safety of tank cars.

For more than three decades, RSI has lead design and research initiatives that have dramatically improved the crashworthiness of tank cars. Shelf couplers, bottom fittings protection, fire protection, thicker tank shells and head shields have all been added to various HazMat railcars. The tank car industry has invested significant resources to enhance the safe movement of TIH and all other types of hazardous materials.

Members of the RSICTC share the concerns of the federal government, railroads and shippers regarding the security of shipping hazardous materials by rail. The Departments of Homeland Security (DHS) and Transportation (DOT) should be commended for working with industry to make HazMat shipments by rail more secure. The railroad industry should also be commended for taking immediate steps in the aftermath of the events of 9/11 to make all rail transportation more secure.

RSICTC looks forward to working with DHS and DOT as you assess the vulnerabilities of high population areas where TIH materials are moved by rail in significant quantity and as you develop protocols for protective measures based on the terrorist threat level. RSICTC offer's the following comments as they relate to the feasibility of initiating specific security enhancements and the potential costs and benefits of doing so.

Security Plans

All HAZMAT facilities are covered by security plans. RSICTC members are sources of information for our customers regarding security plans and we support our customers as they strive to develop and implement their own security plans. We support the review of subject security plans by DHS/DOT personnel through the on-site audit process.

Identification of Materials and Hazard Communication

It would seem apparent that the more difficult it becomes to determine the content of tank cars containing TIH; the less likely it is that such cars would be subject to terrorist attack. In developing an alternate system of markings (identifying marks, names, stenciling, placards or other markings) it is essential that the needs of the shippers, emergency responders and rail employees are taken into account. It is our understanding that DHS is conducting a study to examine alternative methods for communicating the hazards of hazardous materials transported in rail tank cars. We strongly support the DHS study, as we believe reducing the obvious identification of TIH represents one of the best and easily implemented alternatives.

Tank Car Integrity

The RSICTC members are interested in enhancing the safety and security of these cars. We have provided tank car design and construction expertise to confidential industry research that has taken place since October 2001. RSICTC requests that DHS/DOT work with RSI, the Association of American Railroads and key shipper associations to continue this important effort. We stand ready to work with the DHS/DOT on matters involving tank car integrity.

It is imperative that government and industry work together to identify the best overall approach to the terrorism concern. A long-term solution needs to be identified which is both technically feasible and cost effective.

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Communication and Tracking

Many shippers and car management companies have systems for monitoring the movement of cars using the Car Location Message (CLM) information provided by Automated Equipment Identification (AEI) tag readers. While this is not real time car location information, it is a fairly accurate way to determine car location. These systems have been created as part of shipper efforts to manage inventory and improve customer service. RSICTC suggests that DHS/DOT focus on enhancing these existing car management systems as the most cost effective means to address security concerns.

Incentives

It is important to note, that most of what has been discussed, if initiated, will require governmental intervention to identify sources of funding, which might include appropriate financial incentives for owners of equipment, shippers and railroads.

Thank you for accepting our comments. If you have any questions, please feel free to contact RSI at, (202) 347-4664.

Sincerely,

Thomas D. Simpson
Executive Director - Washington