

**DEPARTMENT OF TRANSPORTATION**

[Docket No. FRA–2014–0011–N–10]

**Federal Railroad Administration**

**Agency Request for Emergency Processing of Collection of Information by the Office of Management and Budget**

**AGENCY:** Federal Railroad Administration (FRA), United States Department of Transportation (USDOT).

**ACTION:** Notice.

**SUMMARY:** FRA hereby gives notice that it is submitting the following Information Collection request (ICR) to the Office of Management and Budget (OMB) for emergency processing under the Paperwork Reduction Act of 1995. FRA requests that OMB authorize the collection of information identified below on May 13, 2014, for a period of 180 days.

**FOR FURTHER INFORMATION CONTACT:** A copy of this individual ICR, with applicable supporting documentation, may be obtained by calling FRA’s Clearance Officers: Robert Brogan (tel. (202) 493–6292) or Kimberly Toone (tel.

(202) 493–6132); these numbers are not toll-free), or by contacting Mr. Brogan via facsimile at (202) 493–6216 or Ms. Toone via facsimile at (202) 493–6497, or via email by contacting Mr. Brogan at *Robert.Brogan@dot.gov*; or by contacting Ms. Toone at *Kim.Toone@dot.gov*. Comments and questions about the ICR identified below should be directed to Docket No. DOT–OST–2014–0067 at the following site: *http://regulations.gov*.

*Title:* DOT Secretary’s Emergency Order Docket No. DOT–OST–2014–0067.

*Reporting Burden:*

Emergency Order Item No.	Respondent universe	Total annual responses	Average time per response	Total annual burden hours
(1) RR Notification to SERCs .....	47 railroads .....	120 written notifications.	30 hours .....	3,600 hours.
(2) Updated RR Notification to SERCs .....	47 railroads .....	25 updated written notifications.	4 hours .....	100 hours.
(3) Notification Copies to FRA .....	47 railroads .....	10 notification copies	60 minutes .....	10 hours.
(4) Requests to RRs by SERCs for Information from Local Emergency Response Agencies Regarding the Volume and Frequency of Train Traffic Implicated by this Emergency Order within that Agency’s Jurisdiction and RR Responses.	47 railroads .....	30 informational assistance requests + 30 informational responses.	30 minutes .....	60 hours.
(5) Petitions to the Secretary/FRA Administrator for Relief from This Emergency Order.	47 railroads .....	4 relief petitions .....	2 hours .....	8 hours.

*Form Number(s):* N/A.  
*Respondent Universe:* 47 Railroad Carriers; 50 State Emergency Response Commissions (SERCs).

*Frequency of Submission:* One-time; on occasion.

*Total Responses:* 219.

*Estimated Total Annual Burden:* 3,778 hours.

*Status:* Emergency Review.

*Description:* On May 7, 2014, the Secretary of Transportation issued Emergency Order Docket No. DOT–OST–2014–0067 (EO), requiring affected railroad carriers to provide certain information to the State Emergency Response Commissions (SERCs) for each State in which their trains carrying 1 million gallons or more of Bakken crude oil travel. The EO is available through the Department’s public docket system at *www.regulations.gov*, under Docket No. DOT–OST–2014–0067. The EO is the Department’s direct and proactive response to a recent series of train accidents involving the transportation of petroleum crude oil, a hazardous material the transportation of which is regulated by the Department. The most recent accident occurred on April 30, 2014, when a train transporting petroleum crude oil derailed in Lynchburg, Virginia and released approximately 30,000 gallons of its

contents into the James River. Further, the EO explains that, with the rising demand for rail transportation of petroleum crude oil throughout the United States, the risk of rail incidents has increased commensurate with the increase in the volume of the material shipped and that there have been several significant derailments in both the U.S. and Canada over the last several months causing deaths and property and environmental damage that involved petroleum crude oil. DOT emergency orders are rare and the EO itself describes the most recent accidents and circumstances leading the agency to issue the EO. The collection of information included under this EO is aimed at ensuring that railroads that transport in a single train a large quantity of petroleum crude oil (1 million gallons or more), particularly crude oil from the Bakken shale formation in the Williston Basin, provide certain information to the relevant SERCs in each State in which the railroad operates such trains. Ensuring that railroads provide this information to SERCs is critical to ensuring that local and State emergency responders are aware of the large quantities of crude oil that are being transported through their jurisdictions and are prepared to respond to

accidents involving such trains should they occur.

As provided under 5 CFR 1320.13, *Emergency Processing*, DOT is requesting emergency processing for this new collection of information as specified in the Paperwork Reduction Act of 1995 and its implementing regulations. DOT cannot reasonably comply with normal clearance procedures because the use of normal clearance procedures is reasonably likely to disrupt the collection of information. The EO takes effect immediately upon issuance, although the railroads have 30 days to provide the required information to the SERCs. Under the EO, railroads must immediately initiate steps to implement the Order, and if notification is not made to a SERC within 30 days of the EO’s issuance, a railroad is prohibited from transporting Bakken crude oil in large quantities single trains in any state until such notification is made. Ensuring States and emergency responders are aware of the large quantities of Bakken crude oil moving through their jurisdictions and having the opportunity to appropriately prepare to respond to any potential incidents involving these trains is critical to ensuring safety and mitigating any impacts if a rail accident/incident does

occur. DOT finds this collection of information is essential to the mission of the agency, and it is, therefore, requesting OMB approval of this collection of information as soon as possible.

Upon OMB approval of its emergency clearance request, DOT will follow the normal clearance procedures for the information collection associated with the EO.

Pursuant to 44 U.S.C. 3507(a) and 5 CFR 320.5(b), 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

**Authority:** 44 U.S.C. 3501–3520.

Issued in Washington, DC on May 8, 2014.

**Erin McCarthy,**

*Acting Chief Financial Officer.*

[FR Doc. 2014–10991 Filed 5–12–14; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

[Safety Advisory 2014–01]

#### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2014–0049; Notice No. 14–07]

#### Recommendations for Tank Cars Used for the Transportation of Petroleum Crude Oil by Rail

**AGENCY:** Federal Railroad Administration (FRA) and Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

**ACTION:** Notice of Safety Advisory.

**SUMMARY:** This safety advisory provides notice to all persons who offer for transportation, or transport, in tank cars by rail in commerce to, from or within the United States, a bulk quantity of UN 1267, petroleum crude oil, Class 3, that originates in or is sourced from the Bakken formation in the Williston Basin (Bakken crude oil). The purpose of this advisory is to encourage offerors and rail carriers to take additional precautionary measures to enhance the safe shipment of bulk quantities of Bakken crude oil by rail throughout the United States. Specifically, in light of recent accidents involving the shipment of Bakken crude oil by rail, the Federal Railroad Administration (FRA) and the Pipeline and Hazardous Materials Administration (PHMSA) urge offerors

and carriers of Bakken crude oil by rail tank car to select and use the railroad tank car designs with the highest level of integrity reasonably available within their fleet for shipment of these hazardous materials by rail in interstate commerce. Further, FRA and PHMSA advise offerors and carriers of Bakken crude oil to avoid the use of older, legacy DOT Specification 111 or CTC 111 tank cars for the shipment of such oil to the extent reasonably practicable.

**FOR FURTHER INFORMATION CONTACT:** Karl Alexy, Staff Director, FRA Hazardous Materials Division, 1200 New Jersey Ave. SE., Washington, DC 20590–0001, telephone (202) 493–6245 or Charles Betts, Director, Standards and Rulemaking Division, telephone (202) 366–8553, Pipeline and Hazardous Materials Safety Administration.

**SUPPLEMENTARY INFORMATION:** Changes in railroad operations over the last several years, including increased rail traffic, higher in-train forces due to the transportation of hazardous materials tank cars at higher gross rail loads, and the likelihood of individual tank cars accumulating more miles annually, have resulted in tank car design changes to accommodate these increased stresses and to significantly reduce the chances of a catastrophic failure (i.e., the sudden and total failure of the tank resulting in a release of the tank's contents). Design changes include new tank car steel and improvements of structural features. Older “legacy” tank cars, however, without more modern construction and design enhancements, continue to be used to transport hazardous materials, including Bakken crude oil. Petroleum crude oil (including petroleum crude oil from the Bakken) is a hazardous material subject to regulation under 49 CFR 172.101 of the Hazardous Materials Regulations (HMR; 49 CFR parts 171 to 180).

While the overall number of railroad accidents and derailments has actually decreased over the past several years, the number and type of railroad accidents involving Bakken crude oil that have occurred during the last year has increased, and the quantity of petroleum crude oil released as a result of those accidents is higher than past precedents. Due to the volume of Bakken crude oil currently being offered for rail transportation resulting in the demonstrated recent propensity for rail accidents involving trains transporting Bakken crude oil to occur, and the subsequent releases of large quantities of such oil, FRA and PHMSA recommend that offerors and carriers of Bakken crude oil select and use the tank car designs with the highest level of

integrity reasonably available within their fleet.

The United States has experienced a rapid growth in the quantity of petroleum crude oil being shipped by rail in recent years. The growth has largely been sparked by developments in North Dakota, where the Bakken formation in the Williston Basin (the Bakken) has become a major source of petroleum crude oil in the United States. Much of the Bakken crude oil is shipped via rail to refineries located near the U.S. Gulf Coast or to pipeline connections, most notably to connections located in Oklahoma.<sup>1</sup>

Shipping hazardous materials is inherently dangerous. Transporting petroleum crude oil can be problematic if released into the environment because it is flammable. This risk of ignition is compounded in the context of rail transportation because petroleum crude oil is commonly shipped in unit trains that consist of over 100 loaded tank cars. With the rising demand for rail carriage of Bakken crude oil<sup>2</sup> throughout the United States, the risk of rail incidents increases.

In light of the above discussion, and in an effort to maintain the safety of the Nation's rail system and the communities through which trains transporting Bakken crude oil travels, FRA and PHMSA recommend that offerors and carriers of Bakken crude oil by rail select and only use the tank car designs with the highest level of integrity reasonably available within their fleet. The features that offerors should consider in assessing tank car integrity include, without limitation, tank shell jacket systems, head shields, and top fittings protection. Further, FRA and PHMSA advise offerors and carriers of Bakken crude oil to avoid the use of older, legacy DOT Specification 111 or CTC 111 tank cars for the shipment of such oil to the extent reasonably practicable.

<sup>1</sup> See Association of American Railroads' (AAR) December 2013 paper “Moving Crude Oil by Rail”, available online at: <https://www.aar.org/keyissues/Documents/Background-Papers/Crude-oil-by-rail.pdf>.

<sup>2</sup> In 2011 there were 65,751 originations of tank car loads of crude oil. In 2012, there were 233,811 originations. AAR, *Moving Crude Petroleum by Rail*, <https://www.aar.org/keyissues/Documents/Background-Papers/Moving%20Crude%20Petroleum%20by%20Rail%202012-12-10.pdf> (December 2012).