



National Transportation Safety Board

Washington, D.C. 20594

Office of the Chairman

March 1, 1999

Honorable Rodney E. Slater
Secretary
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, D.C. 20590



Dear Secretary Slater:

Thank you for your letter of August 31, 1998, responding to Safety Recommendations H-92-6 and H-98-27. The National Transportation Safety Board issued Safety Recommendation H-92-6 to the Research and Special Programs Administration (RSPA) as a result of the Safety Board's 1992 special study on cargo tank rollover protection. Safety Recommendation H-98-27 was issued to the U.S. Department of Transportation (DOT) as a result of the Safety Board's investigation of the collision between an Eagle Premier sedan and a tractor-semitrailer and the subsequent fire in Yonkers, New York, on October 9, 1997. As a result of this investigation, the Safety Board reiterated Safety Recommendation H-92-6.

Safety Recommendation H-92-6 asked RSPA to implement, in cooperation with the Federal Highway Administration (FHWA), a program to collect information necessary to identify patterns of cargo tank equipment failures, including the reporting of all accidents involving a DOT specification cargo tank.

As stated in our June 30, 1998, letter to RSPA Administrator Coyner, the Safety Board is disappointed that after 6 years, RSPA has not implemented such an information collection program. The advanced notice of proposed rulemaking (ANPRM) being developed by RSPA, as referenced in your letter, has not been issued to solicit feedback on how to best gather and utilize data to meet the intent of Safety Recommendation H-92-6. The Safety Board urges RSPA and FHWA to expedite action on the recommendation. Pending the actual implementation of a program to collect the necessary information to identify patterns of cargo tank equipment failures, Safety Recommendation H-92-6 will remain classified "Open—Unacceptable Response."

Safety Recommendation H-98-27 asked the DOT to prohibit the carrying of hazardous materials in external piping of cargo tanks, such as loading lines, that may be vulnerable to failure in an accident.

The Safety Board is disappointed with the timeliness of DOT's actions on this recommendation. Since your letter, Safety Board personnel understand that only a preliminary risk and cost-benefit assessment has been completed by RSPA. As noted in the Safety Board's

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Yonkers accident report, the Safety Board believes as RSPA concluded more than 10 years ago that allowing piping to be used as a container for gasoline transport was unreasonable, illogical, and an unsafe practice. As further noted in the Board's report, underreporting of accidents and inadequately reported or unclear information can mask trends or specific patterns of performance. The Safety Board is therefore concerned that a preliminary risk and cost-benefit assessment may not adequately identify the scope of the problem, and the DOT must move forward more rapidly and directly on prohibiting this practice. Pending receipt of information about actions taken, Safety Recommendation H-98-27 is classified "Open—Unacceptable Response."

Sincerely,


Jim Hall
Chairman

cc: Mr. Robert Clarke, Safety and Health Team Leader
Office of Transportation Policy Development