

PHMSA Withdraws HazMat Truck Rulemaking; TSA Assumes Lead Role

The Pipeline and Hazardous Materials Safety Administration has withdrawn a five-year-old notice of proposed rulemaking, acknowledging that the Department of Homeland Security's Transportation Security Administration will take the lead role in security for motor-carrier shipments of hazardous materials.

The Department of Transportation's Research and Special Programs Administration -- PHMSA's predecessor -- and the Federal Motor Carrier Safety Administration published an advance notice of proposed rulemaking in July 2002. It sought comments on the feasibility, costs and benefits of requiring motor carriers that transport hazardous materials to use escorts, vehicle tracking and monitoring, notification to state and local authorities, safe havens for temporary storage of explosives during transportation and other security measures.

Although federal transportation law authorizes DoT to be responsible for security of hazardous materials transportation, TSA and DoT signed a memorandum of understanding in 2004, clarifying that DHS has primary responsibility for all modes of transportation. A 2006 annex to that memorandum acknowledges TSA's lead role in transportation security.

As a result of the agreements, PHMSA, FMCSA and TSA have decided not to act on security tracking until TSA completes a congressionally mandated pilot program for hazmat truck security. TSA then would take the lead on such a measure. The agencies report that they have abandoned proposals to use escorts and a pre-notification system. But PHMSA will continue to address safe havens and other issues related to storing explosives.

More information: Susan Gorsky or Ben Supko, PHMSA, Office of Hazardous Materials Standards, (202) 366-8553. See the June 27 Federal Register, pp. 35211-35213 at:

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