

**Motor Carrier Group Chairman's Factual Report
HWY-05-MH035**

Attachment #29: PHSMA Exemption
(5 Pages)



U.S. Department
of Transportation

Pipeline and
Hazardous Materials
Safety Administration

SEP 23 2005

400 Seventh Street, S.W.
Washington, D.C. 20590

DOT-E 14248

EXPIRATION DATE: December 31, 2005

1. GRANTEE: Texas State, local, and Federal government officials and persons conducting operations under the direction of those government officials within the Hurricane Rita disaster areas.
2. PURPOSE AND LIMITATION: This emergency exemption authorizes the transportation in commerce of hazardous materials used to support the recovery and relief efforts to, from and within the Hurricane Rita disaster areas under conditions that may not meet the Hazardous Materials Regulations. This exemption provides no relief from any regulation other than as specifically stated herein.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR, Parts 171 through 180, except as specified herein.
5. BASIS: This emergency exemption is based on a determination that it is necessary to avoid a risk of significant harm to persons or property by facilitating expedited transportation of hazardous materials to, from or within the disaster areas.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Proper shipping name -- Hazardous materials description	Hazard Class/ Division	Identi- fication Number	Packing Group
Hazardous Materials listed in the 49 CFR other than radioactive materials	Class 1, 2, 3, 4, 5, 6, 8, 9	As Applicable	As Applicable

7. SAFETY CONTROL MEASURES: Compliance with the HMR is required to the extent practicable. When compliance with the HMR is not possible or practicable, shipments may be offered or transported under alternative safety requirements imposed by the grantees.
8. SPECIAL PROVISIONS: Operations under this exemption are limited to the grantees.
9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicles, rail freight, cargo vessel, cargo aircraft only.
10. MODAL REQUIREMENTS: The shipper must provide written notification to the carrier of the hazardous material and packagings being offered at the time the shipment is initiated.

Issued in Washington, D.C.:

for Robert A. McGuire
 Robert A. McGuire
 Associate Administrator
 for Hazardous Materials Safety

9/23/05
 (DATE)

PO: RP



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Emergency Hazardous Materials Exemptions

Emergency hazardous materials exemptions allow State and local officials to modify hazardous materials transportation regulations for hazardous materials transported within the hurricane disaster areas to facilitate clean-up and recovery efforts. Most carriers should be able to transport hazardous materials to and from the recovery area in accordance with the applicable Federal regulations. We encourage shippers and carriers to take necessary precautions to protect people first, then the environment and property. If you request an exemption from Federal regulations to move hazardous materials quickly through the affected States on an emergency basis, please contact PHMSA's Office of Hazardous Materials Exemptions and Approvals at 202-366-4535.

How PHMSA Can Help You

The following [emergency exemptions](#) were issued to assist in Hurricane Katrina relief and recovery efforts.

Katrina Emergency Exemptions

[DOT-E 14240](#) -- Authorizes Mercury Marine to transport Self-propelled vehicles (including inflatable boats, motors) and internal combustion engines (e.g., boat motors) with other fluids that have not been drained to Hurricane Katrina disaster areas, not subject to certain requirements of the HMR.

[DOT-E 14245](#) -- Authorizes the transportation in commerce of certain cylinders containing hazardous materials that have had DOT hazard communication marking and labels removed as a result of Hurricane Katrina. This exemption only authorizes those cylinders to be transported one-way, from the Hurricane Katrina disaster areas, to a local government facility in order to identify the contents for proper re-marking and re-labeling, or to repair the cylinders.

[DOT-E 14246](#) -- Authorizes the filling and offering for transportation in commerce of DOT specification cylinders that are up to 12 months overdue for periodic requalification relief efforts in the regions affected by Hurricane Katrina.

The following 4 Hurricane Katrina emergency exemptions have been revised:

Based on numerous inquiries from shippers, carriers, and other concerned parties, the DOT exemption was amended to clarify the intended purpose and scope of the relief grant in paragraphs 4, 7, 8, 9, and 10, and replaces the previous exemptions issued August 2005. Specifically, paragraph 7 includes a general requirement to comply with the HMR where practicable. Paragraphs 9 and 10 removed the passenger-carrying aircraft modal authority and require that a person operating under the authority of the exemption provide written notification to the carrier prior to transport.

If you have any questions concerning these changes, please call Ryan Posten of the Permits Program at (202) 366-4535.

[DOT-E 14241](#) -- Authorizes Mississippi state, local, and Federal government officials to authorize the shipment and transportation of hazardous materials which may not otherwise be permitted by the HMR for the recovery and relief efforts to protect life and property associated with the hurricane disaster areas.

the Hurricane Katrina disaster areas.

DOT-E 14242 -- Authorizes Louisiana state, local, and Federal government officials to authorize the shipment and transportation of hazardous materials which may not fully comply with the HMR for the recovery and relief efforts to protect life and property associated with the Hurricane Katrina disaster areas.

DOT-E 14243 -- Authorizes Alabama state, local, and Federal government officials to authorize the shipment and transportation of hazardous materials which may not fully comply with the HMR for the recovery and relief efforts to protect life and property associated with the Hurricane Katrina disaster areas.

DOT-E 14244 -- Authorizes Florida state, local, and Federal government officials to authorize the shipment and transportation of hazardous materials which may not fully comply with the HMR for the recovery and relief efforts to protect life and property associated with the Hurricane Katrina disaster areas.

Rita Emergency Exemptions

DOT-E 14242 -- Authorizes Louisiana state, local, and Federal government officials to authorize the transportation in commerce of hazardous materials used to support recovery and relief efforts to, from and within the Hurricane Katrina and Rita disaster areas under conditions that may not meet the Hazardous Materials Regulations.

DOT-E 14248 -- Authorizes Texas state, local, and Federal government officials to authorize the transportation in commerce of hazardous materials used to support the recovery and relief efforts to, from and within the Hurricane Rita disaster areas under conditions that may not meet the Hazardous Materials Regulations.