



NATIONAL TRANSPORTATION SAFETY BOARD
Investigative Hearing

Norfolk Southern Railway general merchandise freight train 32N
derailment with subsequent hazardous material release and fires,
in East Palestine, Ohio, on February 3, 2023

GROUP	H
EXHIBIT	
35	

Agency / Organization

Norfolk Southern

Title

**49 C.F.R. § 174.312 HHFT Information Sharing
Notification for Emergency Response Planning
(2019)**

This content is from the eCFR and is authoritative but unofficial.

Title 49 –Transportation

Subtitle B –Other Regulations Relating to Transportation

Chapter I –Pipeline and Hazardous Materials Safety Administration, Department of Transportation

Subchapter C –Hazardous Materials Regulations

Part 174 –Carriage by Rail

Subpart G –Detailed Requirements for Class 3 (Flammable Liquid) Materials

Authority: 49 U.S.C. 5101–5128; 33 U.S.C. 1321; 49 CFR 1.81 and 1.97.

§ 174.312 HHFT information sharing notification for emergency response planning.

- (a) Prior to operating high-hazard flammable trains (HHFTs) as defined in § 171.8 of this subchapter, a railroad must provide the information described in paragraphs (b) and (c) to each State Emergency Response Commission (SERC), Tribal Emergency Response Commission (TERC), or other appropriate State-delegated agency in each State through which it operates HHFTs. The SERC, TERC, or other appropriate State-delegated agency shall further distribute the information to the appropriate local authorities at their request.
- (b) At a minimum, the information railroads are required to provide to the relevant State or tribal agencies must include all of the following:
 - (1) A reasonable estimate of the number of HHFTs that the railroad expects to operate each week, through each county within the State or through each tribal jurisdiction;
 - (2) The routes over which the HHFTs will operate;
 - (3) A description of the hazardous materials being transported and all applicable emergency response information required by subparts C and G of part 172 of this subchapter;
 - (4) An HHFT point of contact: At least one point of contact at the railroad (including name or email address, title, phone number and address) who has knowledge of the railroad's transportation of affected trains and who is responsible for serving as the point of contact for the SERC, TERC, or other State or tribal agency responsible for receiving the information; and
 - (5) If a route identified in paragraph (b)(2) of this section is additionally subject to the comprehensive spill plan requirements in subpart C of part 130 of this chapter, the information must include a description of the response zones (including counties and states) and the contact information for the qualified individual and alternate, as specified under § 130.120(c) of this chapter.
- (c) The HHFT notification must be maintained and transmitted in accordance with all of the following requirements:
 - (1) Railroads must update the notifications for changes in volume greater than 25%.
 - (2) Notifications and updates may be transmitted electronically or by hard copy.
 - (3) If the disclosure includes information that a railroad believes is security sensitive or proprietary and exempt from public disclosure, the railroad should indicate that in the notification.

- (4) Each point of contact must be clearly identified by name or title, and contact role (e.g., qualified individual, HHFT point of contact) in association with the telephone number. One point of contact may fulfill multiple roles.
- (5) Copies of the railroad's notifications made under this section must be made available to the Department of Transportation upon request.

[84 FR 6952, Feb. 28, 2019]