

GENERAL ORDER NO. 161

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

**RULES AND REGULATIONS GOVERNING THE TRANSPORTATION OF
HAZARDOUS MATERIALS BY RAIL**

(Adopted August 7, 1991. Effective August 7, 1991.

Decision 91-08-019, R. 88-07-039)

IT IS ORDERED that these regulations for the safe transportation of hazardous materials by railroads shall be observed in the State on tracks served, leased, owned or operated by common carrier railroads.

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RULE 1—PURPOSE

The purpose of this order is to establish safety standards for the rail transportation of hazardous materials. These rules and regulations supplement the Hazardous Materials Regulations prescribed by the United States Department of Transportation, Title 49 of the Code of Federal Regulations, Parts 171–174, 178 and 179 and implement the overall state policy of promoting railroad safety as set forth in California Public Utilities Code sections 768 and 7671–7673.

RULE 2—DEFINITIONS

Unless the context otherwise requires, the following definitions govern the construction of this Order:

- 2.1 “Administering agency” means such agency as defined in Health and Safety Code section 25501(a).
- 2.2 “Commission” means the California Public Utilities Commission.
- 2.3 “Emergency response agency” (“ERA”) means the fire department or district or other public agency with responsibility for responding to an emergency occurring in the area of an incident.
- 2.4 “Hazardous materials” means any material transported by rail which is designated “hazardous material”, “hazardous substance”, or “hazardous waste” under Title 49 of the Code of Federal Regulations, section 171.8, as may be revised, amended, and published in the Federal Register.
- 2.5 “Identification number” means the identification number assigned to hazardous materials in Title 49 of the Code of Federal Regulations, Part 172, Subpart B.
- 2.6 “Incident” means any condition involving a release or threatened release of hazardous materials where there is a reasonable belief that the actual or threatened release poses a significant present or potential harm to persons, property or the environment.
- 2.7 “Release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, unless permitted or authorized by a regulatory agency.
- 2.8 “STCC” means the first four digits of the Standard Transportation Commodity Code, as contained in Standard Transportation Commodity Code Tariff STCC 6049 series, as amended, and all supplements issued thereafter.
- 2.9 “Threatened release” means a condition creating a substantial probability of harm, when the probability and potential extent of harm make it reasonably necessary to take immediate action to prevent, reduce, or mitigate damages to persons, property, or the environment.

RULE 3—EMERGENCY NOTICE OF INCIDENT

- 3.1 Each railroad shall immediately notify by telephone the appropriate ERA of any incident, as defined in Rule 2.6 in addition to any other state or federal reporting requirements.
- 3.2 To comply with Rule 3.1, each railroad which transports hazardous materials in California shall provide to each of its dispatchers procedures for the immediate notification of the appropriate ERA of any incident. Such procedures shall include the name and 10-digit (area code and local number), 24-hour emergency number of each ERA along each rail line.

RULE 4—NOTIFICATION REQUIREMENTS

- 4.1 Each railroad shall provide to each ERA along each rail line the railroad's current 10-digit, 24-hour emergency telephone number(s). The railroad shall notify each ERA of any change in the emergency telephone number(s).
- 4.2 Within 60 days of a written request by an ERA or an administering agency, the railroad shall provide to the ERA or administering agency a list of each type of hazardous material, by hazard class and by carload or container, transported through or within the line segment that includes the ERA or administering agency, for the most recent prior 12-month period available.
- 4.3 Upon written request by an ERA or an administering agency, the railroad shall provide to the ERA or administering agency the following information regarding leases for storage of hazardous materials within the jurisdiction of the requesting ERA or administering agency:
 - a) Name of the commodity, STCC and identification number;
 - b) Maximum number of cars to be stored at any one time; and
 - c) Location of cars specific to track number and street address.

RULE 5—EMERGENCY PREPAREDNESS PLAN

Each railroad which transports hazardous materials in California shall have an emergency preparedness plan. The plan shall include, as a minimum, the following:

- a) Notification procedures for advising the appropriate ERA in case of an incident;
- b) Procedures for mitigation of a release or threatened release to minimize any potential harm or damage to persons, property or the environment; and
- c) Training procedures to instruct railroad personnel on what actions to take in the event of an incident.

RULE 6—RADIO REQUIREMENTS

To ensure that train crew members have the ability to communicate with each other and with the train dispatcher while transporting hazardous materials, all trains (including yard and switch engines) transporting hazardous materials shall be equipped with at least two (2) radio transceivers in good working order. The radios shall be able

to transmit and receive on the same frequency. One radio shall be in the lead locomotive and at least one radio shall be of the handheld type. If a radio becomes inoperable, it shall be repaired or replaced at the earliest practicable opportunity.

RULE 7—RULES APPLICABLE TO INDUSTRIAL TRACK

- 7.1 The Commission adopts as its own standards, and incorporates by reference, the Track Safety Standards contained in Part 213 of Title 49 of the Code of Federal Regulations, and any subsequent revisions thereto, for application to railroad track outside the general railroad system of transportation.
- 7.2 Each railroad shall provide its customers with appropriate standards for static protection for all track over which the railroad operates which is outside the general railroad system of transportation and which is used for the transfer of flammable liquids and flammable gasses.
- 7.3 When a railroad transporting hazardous materials is notified or otherwise becomes aware that the standards set forth in Rules 7.1 and 7.2 are not met, the railroad shall not operate on an affected track until the standards are met or until appropriate remedial action is taken.

RULE 8—INSPECTION OF DOCUMENTS BY COMMISSION STAFF

Upon request by a duly authorized representative of this Commission, each railroad shall provide for inspection, at an office in California, any documents required by this Order. (See Public Utilities Code section 314(a).)

RULE 9—EXEMPTIONS

BY WRITTEN REQUEST. If, in a particular case, exemption from any of these rules and regulations is desired, a written request may be made to the Commission for such exemption. Such a request shall be accompanied by a full statement of the conditions existing and the reasons relied on to justify the exemption. It is to be understood that any exemption so granted shall be limited to the particular case covered by the request.

Approved and dated at San Francisco, California, this 7th day of August 1991.

**PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

By **NEAL SHULMAN**
Executive Director

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