



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

APR - 5 2001

Mr. Otis T. Eanes
Bridge Tunnel Patroller
Monitor-Merrimac Memorial Bridge Tunnel
P.O. Box 6570
Portsmouth, Virginia 23703

Ref. No. 01-0058

Dear Mr. Eanes:

Thank you for your February 8, 2001 letter to Secretary of Transportation Norman Mineta. Your letter has been referred to this office for response. You ask about state and local routing requirements for the transportation of hazardous materials and specifically about restrictions on the transportation of certain hazardous materials through tunnels.

The Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) set forth requirements for persons who offer hazardous materials for transportation or transport hazardous materials in commerce. The HMR explain how to class and package a hazardous material and how the package must be marked and labeled. The HMR also tell how to complete the shipping papers and emergency response information that must accompany a hazardous material shipment. In addition, the HMR tell whether the vehicle in which a hazardous materials shipment is being transported must be placarded and the specific placards that must be used. Finally, the HMR explain training requirements for persons who transport hazardous materials or prepare hazardous materials for shipment.

Hazardous materials transported in commerce, including on state- or privately-owned bridges and tunnels, must conform to all applicable requirements of the HMR. In addition, regulations issued by the Federal Motor Carrier Safety Administration (FMCSA) at 49 CFR Part 397 provide general routing standards for states and Indian tribes that wish to establish highway routing designations for non-radioactive hazardous materials (NRHM). Generally, these regulations require a state or tribal government to make a public finding that NRHM routing designations enhance public safety in both the area subject to its jurisdiction and other areas that are directly affected by the routing designation. In establishing routing designations, a state or Indian tribe must consider a number of factors, including the population potentially exposed to an NRHM release; the characteristics of the highway; the types and quantities of NRHM expected to be transported on the designated route; emergency response capabilities; and exposure and other risk factors. So long as states and Indian tribes comply with these general standards, they have broad discretion to develop routing designations for NRHM. State officials are better positioned than is the federal government to assess local bridge or tunnel conditions, accident histories, emergency



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response capabilities, alternative routes, and exposure and other risk factors in making such decisions. Similarly, we believe state authorities should be responsible for enforcing any bridge or tunnel restrictions and for training their employees to enforce the restrictions. You should discuss any concerns you may have about hazardous materials transported through the Monitor-Merrimac Memorial Bridge Tunnel with your supervisor.

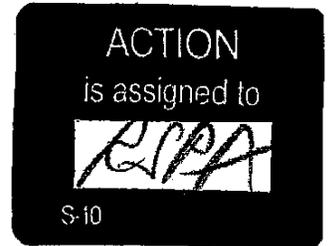
I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,


Edward T. Mazzullo, Director
Office of Hazardous Materials Standards

Gorsky

§ 172.701
Federal vs State Regs.
Norman Y. Minutia 01-0058
Secretary of Transportation,
United States Department of
Transportation



To:

Charles D. Nottingham
Commissioner of Transportation,
Virginia Department of Virginia

From:

Otis T. Eanes
Bridge Tunnel Patroller
Moniter Merrimac Memorial Bridge
Tunnel

Date:

08, Feb. 2001

Subject:

The Lack of State and/or Federal Rules
and Regulations for the State Owned
Hampton Roads Area Tunnels

References:

- I. Commonwealth of Virginia Rules and Regulations Governing the Transportation of Hazardous through Bridge Tunnel Facilities.
- II. Virginia Department of Transportation State Owned Urban Tunnel Safety Regulation 24 VAC 30-65-10 and 24 VAC 30-65-20
- III. Message: D. D. Clark, Assistant Superintendent, June 16, 1999 (Campers and RV)
- IV. Message: Perry C. Cogburn, Emergency Operation Office, Oct. 13, 2000 (Propane Regulation)
- V. Rules and Regulations Governing the Transportation of Hazardous Materials through the Chesapeake Bay Bridge Tunnel April 24, 2000.
- VI. Rules and Regulations Comparison.
- VII. Fire Protection and Life Safety for Road Tunnels, Fire Protection, Winter 2000.

As a life time resident of Virginia and a two a half year employee of Virginia Department Of Transportation as a Bridge Tunnel Patroller at the Elizabeth River Tunnel (ERT) and Monitor Merrimac Memorial Bridge Tunnel (MMMBT), and not a disgruntled employee, I feel compel to write this message. I am fifty nine years old and consider myself honored and privileged to work at the MMMBT, which may be the best bridge tunnel facility in the country. The MMMBT and ERT are two of four State Owned Tunnels in the Hampton Roads Area of Virginia that are a vital link in the Interstate 64 System. Prior to this employment, I was honorabled retired as a Federal Employee from the Naval Aviation Depot in Norfolk, Va. after thirty two years of continuous service.

I find that the lack of basic instructions pertaining to the transportation of hazardous materials through these State Owned Tunnel Facilities very surprising. It appears that most information is either unknown, ignored or suppressed. There are no periodical training or shift meetings in regards to the transportation of hazardous materials through these State Owned Tunnels. All emphasis are on customer service. One would think that the main focus would be on the enforcement of the State and/or Federal Rules and Regulations pertaining to the transportation of hazardous materials through these State Owned Tunnels with strong emphasis on customer service .

In an attempt to gain information concerning the transportation of hazardous materials through the State Owned Tunnels, my efforts has been met with confusion, disappointment and frustration. There appears to be very limited basic State and no Federal Rules and Regulations at these facilities governing the transportation of hazardous materials through these tunnels. My inquiries, into these matters, has been answered with very limited printed and verbal instructions. The verbal instructions appear to be various opinionated ideas. The printed instructions (Ref I) is very limited in scope, confusing and fails to indicate the maximum number of Non-Bulk containers per vehicle.

A print of a State Owned Urban Tunnel Safety Regulation (Ref II) pertaining to vehicles using LP gas appeared at the MMMBT this pass Spring. This instruction states that all vehicles using LP Gas for cooking, heating or refrigeration

must stop at the tunnel's inspection station so that the Tunnel Personnel can conduct a manual inspection to verify that the gas containers are turned off, securely attached and determined to be safe for travel. I have no idea where this regulation came from or where to look to research it. Prior to this regulation (Ref II) we were operating on a honor system pertaining to vehicles carrying LP gas (Ref III). This instruction states that when a driver operating a Camper or RV stops for inspection, the Tunnel Patroller will take the driver's word that his LP Gas containers are turned off. To even more wonderment, a message from Perry C. Cogburn dated 10-13-2000 (Ref IV) stated that they were trying to implement a district wide Propane/RV Regulation. It would appear, that if the State Owned Urban Tunnel Safety Regulations (Ref II) is valid, it would need only to be vigorously implemented and enforced.

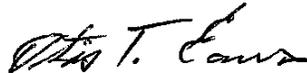
I have obtained a copy of the rules and regulations governing the transportation of hazardous materials through the Chesapeake Bay Bridge Tunnel from their Internet Web Site (Ref V). It is very specific and references the U.S. Department of Transportation Rules and Regulation pertaining to the many hazardous materials that may or may not pass through that facility. I have not been able to locate the Hampton Roads Area (State Owned) Tunnel Rules and Regulation on the Internet. A comparison of the State Owned Tunnel Limited Regulation (Ref I) to the Chesapeake Bay Tunnel Specific Regulation (Ref V) governing the transportation of Non-Bulk hazardous materials through their facilities reveals a various degree of difference (Ref VI).

Using FLAMMABLE 3 Non-Bulk liquids as a example, the State Owned Tunnel Limited Regulation (Ref I) is very generous with a maximum of 119 gallons per container and apparently no limitation as to the number of these containers per vehicle. Thousands of gallons of highly volatile FLAMMABLE 3 Non-Bulk liquid in a single tractor trailer truck could pass through the State Owned Tunnels as per this instruction. The Chesapeake Bay Tunnel Specific Regulation on FLAMMABLE 3 Non-Bulk liquid, following U.S. Department of Transportation Regulations, has a total not to exceed 120 gallons in 6 gallon containers or less per vehicle. I have been told, by Management, that the Chesapeake Bay Tunnel (Private Owned) and the Hampton Roads Area Tunnels (State Owned) do not have to operate by the same rules and regulation.

A catastrophic fire accident involving a truck carrying the liberal Non-Bulk hazardous materials in any of the State Owned Tunnels, that approached the magnitude of the tunnel

fires that occurred in Europe in 1999 (Ref VII) would have a profound disastrous effect on commerce and travel in the Hampton Roads Area. Two of these European Tunnel Fires during the first half of 1999 led to 51 fatalities and at least 79 injuries, millions of dollars in damages and rendered the tunnels inoperative for an extended length of time.

In light of these disastrous tunnel fires that occurred in Europe, the liberal hazardous material limits of the State Owned Tunnels should be revisited. A new set of rules and regulations governing the transportation of hazardous materials through the State Owned Tunnels should be initiated using the Chesapeake Bay Tunnel's Rules and Regulations format. A copy of all State and/or Federal Rules and Regulations pertaining to the transportation of hazardous material through the State Owned Tunnels should be readily accessible on each of the Tunnel's Internet Web Site and the Tunnel's Traffic Control Room. A clear and decisive educational program should be initiated and aggressively implemented to inform the tunnel personnel and traveling public about these State and/or Federal Rules and Regulations. Periodic training and certification of the tunnel personnel in regards to these rules and regulations should be required.



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