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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 172--HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS,
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RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND
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Title 49: Transportation

PART 172—HAZARDOUS MATERIALS TABLE, SPECIAL PROVISIONS, HAZARDOUS MATERIALS COMMUNICATIONS, EMERGENCY RESPONSE INFORMATION, TRAINING REQUIREMENTS, AND SECURITY PLANS

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➔ Subpart I—Safety and Security Plans

Source: 68 FR 14521, Mar. 25, 2003, unless otherwise noted.

§ 172.800 Purpose and applicability.

(a) *Purpose.* This subpart prescribes requirements for development and implementation of plans to address security risks related to the transportation of hazardous materials in commerce.

(b) *Applicability.* By September 25, 2003, each person who offers for transportation in commerce or transports in commerce one or more of the following hazardous materials must develop and adhere to a security plan for hazardous materials that conforms to the requirements of this subpart:

(1) A highway route-controlled quantity of a Class 7 (radioactive) material, as defined in §173.403 of this subchapter, in a motor vehicle, rail car, or freight container;

(2) More than 25 kg (55 pounds) of a Division 1.1, 1.2, or 1.3 (explosive) material in a motor vehicle, rail car, or freight container;

(3) More than one L (1.06 qt) per package of a material poisonous by inhalation, as defined in §171.8 of this subchapter, that meets the criteria for Hazard Zone A, as specified in §§173.116(a) or 173.133(a) of this subchapter;

(4) A shipment of a quantity of hazardous materials in a bulk packaging having a capacity equal to or greater than 13,248 L (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (468 cubic feet) for solids;

(5) A shipment in other than a bulk packaging of 2,268 kg (5,000 pounds) gross weight or more of one class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class under the provisions of subpart F of this part;

(6) A select agent or toxin regulated by the Centers for Disease Control and Prevention under 42 CFR part 73 or, by April 1, 2007, a select agent or toxin regulated by the United States Department of Agriculture under 9 CFR part 121; or

(7) A quantity of hazardous material that requires placarding under the provisions of subpart F of this part.

(c) *Exceptions.* Transportation activities of a farmer, who generates less than \$500,000 annually in gross receipts from the sale of agricultural commodities or products, are not subject to this subpart if such activities are:

(1) Conducted by highway or rail;

(2) In direct support of their farming operations; and

(3) Conducted within a 150-mile radius of those operations.

[68 FR 14521, Mar. 25, 2003, as amended at 70 FR 73164, Dec. 9, 2005; 71 FR 32258, June 2, 2006]

§ 172.802 Components of a security plan.

(a) The security plan must include an assessment of possible transportation security risks for shipments of the hazardous materials listed in §172.800 and appropriate measures to address the assessed risks. Specific measures put into place by the plan may vary commensurate with the level of threat at a particular time. At a minimum, a security plan must include the following elements:

(1) *Personnel security.* Measures to confirm information provided by job applicants hired for positions that involve access to and handling of the hazardous materials covered by the security plan. Such confirmation system must be consistent with applicable Federal and State laws and requirements concerning employment practices and individual privacy.

(2) *Unauthorized access.* Measures to address the assessed risk that unauthorized persons may gain access to the hazardous materials covered by the security plan or transport conveyances being prepared for transportation of the hazardous materials covered by the security plan.

(3) *En route security.* Measures to address the assessed security risks of shipments of hazardous materials covered by the security plan en route from origin to destination, including shipments stored incidental to movement.

(b) The security plan must be in writing and must be retained for as long as it remains in effect. Copies of the security plan, or portions thereof, must be available to the employees who are responsible for implementing it, consistent with personnel security clearance or background investigation restrictions and a demonstrated need to know. The security plan must be revised and updated as necessary to reflect changing circumstances. When the security plan is updated or revised, all copies of the plan must be maintained as of the date of the most recent revision.

§ 172.804 Relationship to other Federal requirements.

To avoid unnecessary duplication of security requirements, security plans that conform to regulations, standards, protocols, or guidelines issued by other Federal agencies, international organizations, or industry organizations may be used to satisfy the requirements in this subpart, provided such security plans address the requirements specified in this subpart.

Greene, Sherina

From: Belkin, Paul
Sent: Tuesday, January 12, 2010 1:17 PM
To: Greene, Sherina; Johnson, Lawann
Cc: Moglia, Dena
Subject: RE: DOT Regulations for TSP Data Collection Tools

Per our discussion below is the Regulations for the TSP data collection for the security plan and security assessment

- *49 CFR 172.800 (b) states: "Applicability. By September 25, 2003, each person who offers for transportation in commerce or transports in commerce one or more of the following hazardous materials must develop and adhere to a security plan for hazardous materials that conforms to the requirements of this subpart § 172.802 Components of a security plan. (a) The security plan must include an assessment of possible transportation security risks for shipments of the hazardous materials listed in § 172.800 and appropriate measures to address the assessed risks. Specific measures put into place by the plan may vary commensurate with the level of threat at a particular time. At a minimum, a security plan must include the following elements (1) Personnel security. Measures to confirm information provided by job applicants hired for positions that involve access to and handling of the hazardous materials covered by the security plan. Such confirmation system must be consistent with applicable Federal and State laws and requirements concerning employment practices and individual privacy. (2) Unauthorized access. Measures to address the assessed risk that unauthorized persons may gain access to the hazardous materials covered by the security plan or transport conveyances being prepared for transportation of the hazardous materials covered by the security plan. (3) En route security. Measures to address the assessed security risks of shipments of hazardous materials covered by the security plan en route from origin to destination, including shipments stored incidental to movement. (b) The security plan must be in writing and must be retained for as long as it remains in effect. Copies of the security plan, or portions thereof, must be available to the employees who are responsible for implementing it, consistent with personnel security clearance or background investigation restrictions and a demonstrated need to know. The security plan must be revised and updated as necessary to reflect changing circumstances. When the security plan is updated or revised, all copies of the plan must be maintained as of the date of the most recent revision."*

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From: Moglia, Dena
Sent: Monday, January 11, 2010 6:01 PM
To: Belkin, Paul
Subject: Fw: DOT Regulations for TSP Data Collection Tools

See below. Do u recall whether we collected this when we pulled together the TSP statutory authorities last year? I think we may have this in our files already.

Sent using BlackBerry

From: Greene, Sherina
To: Moglia, Dena

Sent: Mon Jan 11 16:53:37 2010

Subject: DOT Regulations for TSP Data Collection Tools

Hi Dena,

Can you please send me the DOT regulations that pertain to TSP's Security Assessment and Security Plan? The DOT OMB Control# is 2137-0612? Once I receive these documents I will be ready to enter this package into the system (ROCIS). Thanks for your help.

Sherina M. Greene
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