

Alaska Trucking Association, Inc.

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www.aktrucks.org

The authoritative voice of the trucking industry in Alaska

February 7, 2018

HB322

House Resources Committee

6:30 pm, February 6, 2018

Aves D. Thompson, Executive Director

Alaska Trucking Association

Thank you. Co-Chairs and members of the committee, I am Aves Thompson, Executive Director of the Alaska Trucking Association. The Alaska Trucking Association is a state wide organization representing the interests of our nearly 200 member companies from Barrow to Ketchikan. Freight movement is an essential element of our economy and impacts all of us each and every day.

Relative to contingency plans in Section 13-18 in HB322, 49 CFR part 130, already prescribes contingency plans for the motor transport of oil. I'll read some highlights from Part 130 regarding contingency plans for oil bulk transport.

Contingency Plans for Oil bulk transport:

49 CFR 130. Oil spill prevention and response plans

Prescribes prevention, containment and response planning requirements of the Department of Transportation applicable to transportation of oil by motor vehicles and rolling stock.

49 CFR 130.2 Scope

(a) The requirements of this part apply to ---

1. Any liquid petroleum oil in a packaging having a capacity of 3,500 gallons or more; and
2. Any liquid petroleum or non-petroleum oil in a quantity greater than 42,000 gallons per packaging.

49 CFR 130.3 General Requirements

No person may offer or accept for transportation or transport oil subject to this part unless that person---

- (a) Complies with this part; and
- (b) Has been instructed on the applicable requirements of this part

49 CFR 130.31 Response Plans

- (a) No person may transport oil subject to this part unless that person has a current basic written plan that: goes on with a list of requirements

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The Alaska Trucking Association believes that since the federal requirements already prescribe a contingency plan for oil transporters of both crude and refined product, sections 13-18 in HB322 are not necessary.

Secondly, to dispel the notion that drivers transporting oil are irresponsible, please note the following training and retraining requirements to drive such a rig. These men and women are highly trained professionals who are committed to safety not only for themselves but for other motorists as well. Our drivers have families who live, work and play in Alaska and want their outdoor experience to be free of contaminated soil or streams. They are as concerned about their environment as you are. Without truck drivers driving trucks, Alaska would stop...

Hazardous Materials Driver Requirements

First, the driver will have to pass the test for their **hazardous materials endorsement** (49 CFR 383). The HME is required for all loads of placarded hazmat, which includes all bulk transport of petroleum products. To obtain an HME, a CDL holder must: a) demonstrate that they can safely and competently transport hazardous materials and are aware of the specific safety requirements for doing so and b) pass a fingerprint-based background check administered by the Transportation Security Administration that checks the driver against:

- Immigration databases,
- Identification database,
- The FBI's NCIC database of all known criminals and arrestees in the United States, and
- The Terrorist Watch List

If the driver fails any of these checks (criminal disqualifying factors available at 49 CFR 1572.103), the endorsement is not issued.

Of course, because the driver is also operating a tank trailer, a **tank endorsement** will also be required. The tank endorsement requires the driver to demonstrate that they know how to safely operate a tank vehicle. Tank vehicles differ from traditional Class 8 box trucks in 2 important respects: they have a higher center of gravity and are subject to "slosh" (yes, that's the technical term for it) where breaking or accelerating the vehicle causes the liquid in the tank to move in the opposite direction. This slows acceleration and means that stopping distances are longer. After a driver obtains a tank endorsement, their motor carrier must also administer a road test to that driver to double check that the driver can safely operate a tank vehicle and understands the differences to operate safely. (49 CFR 391.31)

Switching over to training, all drivers operating trucks carrying hazmat must have several types:

- General awareness (49 CFR 172.704(a)(1)): Which includes knowledge of how to respond to an emergency, where on the shipping paper to find contact info for safety and environmental remediation in the case of a release, and how to most efficiently

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- inform enforcement or emergency response of the hazardous items in the load should a clean up become necessary.
- Function-specific (172.704(a)(2)): Means requiring the driver to learn the specific safety and welfare requirements that attach to trucks transporting hazardous materials. Drivers in the tank field will have driver-specific training, tanker-specific training, and, sometimes training on the specialty type of tank they're operating.
- Safety training (172.704(a)(3)): Which specifically includes "emergency response information," and "measures to protect the employee" from a release.
- Security-awareness training (172.704(a)(4)): General security training is required for all loads of hazardous materials. The Transportation Security Administration has developed a sample training that is widely used.
- In-depth security training (172.704(a)(5)): If the petroleum load qualifies as a Class 3 Flammable Liquid in Packing Group I or II (some petroleum products do, some don't. Almost all crude oil does now, by DOT rule), the motor carrier must also develop a security plan. This security plan requires the motor carrier to ensure they are securely:
 - Hiring and vetting employees – The background check on the HME takes care of this for drivers
 - Protecting their facilities – In responsible plans, this includes protection from terrorists getting in and spills getting it and
 - En-route security – Generally requiring "constant attendance" of the load, which defends against accidental releases.

There are other required trainings that might come in to play for loading (PHMSA), unloading (PHMSA), transport of hazardous waste (EPA), and others.

Not only are there state and federal regulations governing the transport of oil, companies that contract with the motor carriers place strict environmental requirements on the motor carrier which many times far exceed the regulatory requirements. Insurance companies place additional requirements on motor carriers to manage the risk involved in such activities. Only the best survive in such a competitive market place.

We urge that Sections 13-18 be stricken from HB322 as duplicative and unnecessary. Thank you for your attention.

Aves Thompson
Executive Director