



*Support, Connection, Advocacy*

50 F Street, NW | Suite 7030 | Washington, DC 20001 | phone (202) 347-4664 | fax (202) 347-0047 | [www.rsiweb.org](http://www.rsiweb.org)

Docket Operations  
U. S. Department of Transportation  
West Building, Ground floor  
Room W12-140  
Routing Symbol M-30  
1200 New Jersey Avenue, SE  
Washington, DC 20590

**RE: DOCKET No. PHMSA-2009-0289 (HM-233A)**

The Railway Supply Institute is the international trade association of suppliers to the nation's freight railroads and rail passenger systems. The RSI Committee for Tank Cars is a standing committee of the RSI that addresses issues of importance to tank car builders and owners. The Committee membership includes American Railcar Industries, American Railcar Leasing, CIT Financial, GATX Corporation, General Electric Railcar Services Corporation, Trinity Industries, Inc., and Union Tank Car Company. These member companies include the major tank car builders and owners who manage or lease over 70% of the national tank car fleet.

The Railway Supply Institute Committee on Tank Cars is submitting these comments in response to the Notice of Proposed Rulemaking published in the December 22, 2009 Federal Register.

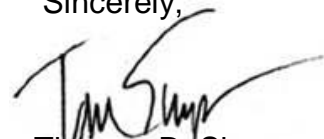
The RSICTC supports the Pipeline and Hazardous Materials Administration's proposal to allow tank cars that exceed the maximum capacity and gross weight on rail limitations to operate in rail service upon approval from the Federal Railroad Administration Associate Administrator for Safety. As stated in the NPRM, tank cars that are currently operating with special permits because they exceed the gross weight on rail limitations have an established safety record. The incorporation of this proposal into the regulations will expedite the approval process for

new applications, and will eliminate the need for continued special permit renewal requests. This will remove an administrative burden from both PHMSA and the tank car industry without affecting the safe transportation of hazardous commodities.

Should this Notice of Proposed Rulemaking become law, the RSICTC encourages the FRA Associate Administrator for Safety, as the approving authority, to initiate a clearly defined process for approval of applications. We believe this process should be based on adherence to the appropriate AAR tank car standards and the government white paper "Maximizing Safety and Weight" which has been incorporated into the AAR standards. This defined process will help the tank car industry understand the FRA approval criteria for the preparation of applications.

In closing, the RSICTC supports this proposed rulemaking and PHMSA's effort to incorporate these special permits into the regulations.

Sincerely,

A handwritten signature in black ink, appearing to read "Tom Simpson", with a long horizontal flourish extending to the right.

Thomas D. Simpson  
Executive Director