

II. *Vehicles Involved*: Approximately 76,125 MY 2024–2025 Ford Ranger motor vehicles, manufactured between December 9, 2022, and August 29, 2025, were reported by the manufacturer.

III. *Noncompliance*: Ford explains that the subject vehicles are equipped with an instrument panel cluster (IPC) that temporarily does not display the speedometer unit of measurement (MPH or km/h) under certain conditions and therefore does not comply with paragraphs S5.1.2 and S5.2.1 of FMVSS No. 101. Specifically, IPC does not display the speedometer unit of measurement for approximately four seconds while an animation displays after the driver changes the vehicle's drive mode.

IV. *Rule Requirements*: Paragraphs S5.1.2 and S5.2.1 of FMVSS No. 101 include the requirements relevant to this petition. Paragraph S5.1.2 requires that the telltales and indicators specified in Table 1 and Table 2, including their identifications, must be located to ensure visibility to a driver under the specified conditions of paragraphs S5.6.1 and S5.6.2 of FMVSS No. 101 when activated. Paragraph S5.2.1 further requires, in relevant part, that every control, telltale and indicator listed in column 1 of Table 1 or Table 2, with the exception of the Low Tire Pressure Telltale, must be identified by either the symbol in column 2 or the word or abbreviation in column 3 of the respective table.

V. *Summary of Ford's Petition*: The following views and arguments presented in this section, "V. Summary of Ford's Petition," are the views and arguments provided by Ford. They have not been evaluated by the Agency and do not reflect the views of the Agency. Ford describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

Ford explains that the subject vehicles are equipped with selectable drive modes, which are controlled by a rotary dial or a button on the center console and allow the driver to change the vehicle's handling and suspension dynamics. Ford notes that mode selection will not change the speed and can be performed in most instances while the vehicle is in motion or while it is in Park.

Ford explains that when the driver changes drive modes, an animation appears on the IPC that covers the speedometer's unit of measurement (e.g., MPH or km/h) for approximately four seconds. However, the numerical speed display (e.g., "60") remains continuously visible during this animation. To correct this, Ford has

implemented a software update for new production Ranger vehicles to continuously display the speed units during the animation sequence. The petition includes images illustrating the affected display and the corrected display and is available to view on the docket. Ford states that it is not aware of any field occurrences, accidents, or injuries related to this condition. Ford also notes that it has reviewed connected vehicle data from 8,800 MY 2024 Ranger vehicles, and found that drivers change out of the default Normal drive mode on less than five percent of all key cycles.

Ford believes that the subject noncompliance is inconsequential to motor vehicle safety for three primary reasons:

First, the primary speedometer's numerical speed remains continuously and accurately displayed, ensuring no incorrect information is presented. Ford explains that the subject noncompliance is limited solely to the temporary disappearance (up to four seconds) of the unit of measurement (MPH or km/h), an interval initiated by the driver's intentional action of changing drive modes.

Second, Ford states that it is unaware of any customer complaints, crashes, injuries, or fatalities related to this condition. Ford acknowledges that the absence of complaints is not dispositive but contends that this is further evidence that the drivers of the subject vehicle are not confused by the disappearance of the speedometer unit.

Third, Ford cites prior NHTSA grants of petitions for decisions of inconsequential noncompliances concerning similar noncompliances where required information was temporarily unavailable or incorrect. These include a 2022 FCA US LLC<sup>1</sup> petition concerning speedometers that could be intentionally switched to display only km/h, and a 2016 General Motors LLC<sup>2</sup> petition regarding a momentary instrument cluster reset after a series of driver actions. Ford contends that the subject noncompliance is similar to these grants.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and

30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Ford no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicles distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Ford notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120; delegations of authority at 49 CFR 1.95 and 501.8)

**Otto G. Matheke III,**

*Director, Office of Vehicle Safety Compliance.*

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## DEPARTMENT OF TRANSPORTATION

### Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2026–1981 (Notice No. 2026–04)]

### Hazardous Materials: Information Collection Activities

**AGENCY:** Pipeline and Hazardous Materials Safety Administration (PHMSA), Department of Transportation (DOT).

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (PRA), PHMSA invites comments on proposed updates to the form used for reporting incidents that occur during the transportation of hazardous materials. PHMSA intends to request a revision of a currently approved information collection from the Office of Management and Budget (OMB) for the *Hazardous Materials Incident Report* (DOT Form 5800.1; Form Approval OMB No. 2137–0039). Revisions include new data elements and clarifications of existing fields. PHMSA has also removed, simplified, or reorganized data elements to reduce the burden on filers and staff, alongside modernizing the form's visual layout. PHMSA encourages commenters to review a draft version of the new DOT Form 5800.1, which is provided as a Portable Document Format (PDF) file in the electronic Docket at [regulations.gov](https://www.regulations.gov). This draft of the new form does not replace the currently approved form. It

<sup>1</sup> See *FCA US LLC*, Grant of Petition for Decision of Inconsequential Noncompliance, 87 FR 22620 (Apr. 15, 2022).

<sup>2</sup> See *General Motors, LLC*, Grant of Petition for Decision of Inconsequential Noncompliance, 81 FR 17761 (Mar. 30, 2016).

is provided only for purposes of this notice and request for comments.

**DATES:** Interested persons are invited to submit comments on or before December 21, 2026. However, PHMSA will consider late-filed comments to the extent possible.

**ADDRESSES:** You may submit comments identified by the Docket Number PHMSA–2026–1981 (Notice No. 2026–04) by any of the following methods:

- **Federal eRulemaking Portal:** <http://www.regulations.gov>. Follow the online instructions for submitting comments.
- **Mail:** Docket Management System, U.S. Department of Transportation, Docket Operations, M–30, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- **Hand Delivery:** To the Docket Management System; U.S. Department of Transportation, Docket Operations, M–30, Room W12–140 on the ground floor of the West Building, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**Instructions:** All submissions must include the agency name and Docket ID (i.e., PHMSA–2026–1981) for this notice at the beginning of the comment. To avoid duplication, please use only one of these methods (i.e., Federal Rulemaking Portal, Mail, or Hand Delivery). PHMSA will post all comments without change to the Federal Docket Management System (FDMS) and will include any personal information you provide.

If you send comments by mail, please submit two copies. Persons wishing to receive confirmation of receipt of their comments must include a self-addressed stamped postcard.

Direct requests for a copy of an information collection to Steven Andrews or Glenn Foster, Standards and Rulemaking Division, (202) 366–8553, Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. In addition, the current DOT Form 5800.1 can be accessed electronically on the PHMSA website.<sup>1</sup>

**Docket:** For access to background documents or comments received, go to <http://www.regulations.gov> and search for the Docket ID: PHMSA–2026–1981. Access to the docket materials can also be provided at the physical location for DOT's Docket Operations Office (see **ADDRESSES**).

<sup>1</sup> PHMSA, *Hazardous Materials Incident Report* (DOT Form 5800.1; OMB No. 2137–0039) (Jan. 2004), available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/IncidentForm010105.pdf>.

**Privacy Act:** In accordance with 5 U.S.C. 553(c) and 44 U.S.C. 3501 *et seq.*, DOT solicits comments from the public to inform better its rulemaking and information collection processes, respectively. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL–14 FDMS).<sup>2</sup>

**Confidential Business Information:** Confidential Business Information (CBI) is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this notice, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN” to indicate the presence of proprietary information. PHMSA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this notice. Submissions containing CBI should be sent to Steven Andrews, Standards and Rulemaking Division, and addressed to the Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001 or [steven.andrews@dot.gov](mailto:steven.andrews@dot.gov). Any commentary that PHMSA receives which is not specifically designated as CBI will be placed in the public docket for this notice.

**FOR FURTHER INFORMATION CONTACT:** For information about the proposed updates to this form, contact Robert Starin, (202) 366–1074, [robert.starin@dot.gov](mailto:robert.starin@dot.gov), Operations Systems Division, Office of Hazardous Materials Safety (OHMS), Pipeline and Hazardous Materials Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE, Washington, DC 20590–0001. For information about the PRA and this information collection, contact Steven Andrews or Ryan Larson at (202) 366–8553 or at [ohmspra@dot.gov](mailto:ohmspra@dot.gov).

#### SUPPLEMENTARY INFORMATION:

##### Acronyms

CFR Code of Federal Regulations  
CTMV Cargo Tank Motor Vehicle

<sup>2</sup> DOT, *System of Records Notice* (DOT/ALL–14 FDMS), available at: <https://www.transportation.gov/individuals/privacy/privacy-act-system-records-notices>.

DCMRB Data Collection and Methodology Research Branch (U.S. Census Bureau)  
DHS Department of Homeland Security  
DOT Department of Transportation  
EMS Emergency Medical Services  
EPA Environmental Protection Agency  
FAA Federal Aviation Administration  
FMCSA Federal Motor Carrier Safety Administration  
FRA Federal Railroad Administration  
GPS Global Positioning System  
HAZMATICS Hazardous Materials Incident Communication System  
HMR Hazardous Materials Regulations  
HMT Hazardous Materials Table  
IBC Intermediate Bulk Container  
ID Identification  
NAR Non-Accident Release  
NRC National Response Center  
OHMS Office of Hazardous Materials Safety (DOT/PHMSA)  
OMB Office of Management and Budget  
PDF Portable Document Format  
PHMSA Pipeline and Hazardous Materials Safety Administration  
PIH Poisonous by Inhalation  
POP Performance Oriented Packaging  
RAM Radioactive Materials  
SME Subject Matter Expert  
TIH Toxic by Inhalation  
TSA Transportation Security Administration (DHS)  
UAS Unmanned Aircraft System  
ULD Unit Load Device  
UN United Nations  
UN/NA United Nations/North American  
USCG U.S. Coast Guard  
XML Extensible Markup Language

#### I. Overview

PHMSA uses the *Hazardous Materials Incident Report* (DOT Form 5800.1) to collect information on reportable hazardous materials incidents in air, rail, highway, and vessel transportation under the Hazardous Materials Regulations (HMR; 49 CFR parts 171–180). OHMS requires the form for incidents covered by 49 CFR 171.16, including those subject to § 171.15.<sup>3</sup> PHMSA must comply with Federal laws, regulations, and policies when collecting this information or revising the collection.

Under 5 CFR 1320.8(d), PHMSA must provide the public and affected agencies an opportunity to comment before submitting an information collection request to OMB.<sup>4</sup> PHMSA is providing a 90-day comment period, rather than 60 days, because it has not substantially revised DOT Form 5800.1 in many years. After considering comments and revising the proposal as warranted, PHMSA will submit the request to OMB for a 3-year approval and publish a subsequent 30-day **Federal Register** notice for additional public comment.

<sup>3</sup> 49 CFR 171.15.

<sup>4</sup> 5 CFR 1320.8.

This notice begins the first of those two comment periods.<sup>5</sup>

The form collects information about the incident, hazardous material, packaging, and human and environmental impacts to help PHMSA analyze trends and gaps and inform actions to mitigate risk and improve safety. The OHMS Operations Systems Division processes and checks the data through a quality management system compliant with International Organization for Standardization's (ISO) ISO 9001:2015 standard.<sup>6</sup> In coordination with PHMSA's Office of the Chief Information Officer, the division stores and manages the data in a relational database and publishes them on PHMSA's website with a tool to search fields and filter results.<sup>7</sup>

## II. Census Review and Cognitive Evaluation of DOT Form 5800.1

PHMSA contracted with the U.S. Census Bureau to evaluate DOT Form 5800.1 and recommend a redesign that improves data accuracy and consistency, reduces respondent burden, and meets collection requirements. The Bureau's Data Collection and Methodology Research Branch (DCMRB) assessed the form for cognitive and usability issues and opportunities to reduce burden.

DCMRB began with an expert review and exploratory research, including interviews with internal and external stakeholders and subject matter experts (SMEs), focus groups, and field observations. It used the findings to develop changes, which it refined through cognitive and usability testing with filers. DCMRB presented findings to PHMSA after each activity. Its final report is available in the electronic docket. Recommendations included:

- Improving efficiency by reorganizing content, allowing filers to bypass sections that are not applicable to their reported incident;
- Adding content to address incidents caused by batteries (e.g., lithium-ion batteries) that undergo thermal runaway, which were not captured previously;
- Reducing burden by capturing alternative data in cases where other data may not be available to the filer or

not available at the time of submission—e.g., Global Positioning System (GPS) location, flight numbers; and

- Identifying intermodal transport to account for multiple modes of transportation that may have been involved in an incident or the shipment.

## III. Supporting Materials in the Docket

The electronic docket at [www.regulations.gov](http://www.regulations.gov) contains the proposed DOT Form 5800.1 in PDF format and the U.S. Census Bureau's final research report.<sup>8</sup> PHMSA intends the proposed PDF to replace the current PDF on its website after public comment and OMB approval. Filers must continue using the currently approved form until OMB finalizes and approves the revision.

Filers may submit reports using the PDF form, the Hazardous Materials Incident Communication System (HAZMATICS) portal at <https://portal.phmsa.dot.gov>, or Extensible Markup Language (XML) data submission.<sup>9</sup> PHMSA encourages HAZMATICS and XML submissions because they better accommodate incidents involving multiple packaging types or hazardous materials. The PDF remains an option and provides a practical way to show the proposed data changes without developing a HAZMATICS prototype.

PHMSA also seeks comments on filers' experiences with HAZMATICS and XML submissions. The PDF includes all required incident-reporting data elements, which must remain consistent across all three submission methods. PHMSA will assess the software, data-processing, and database changes needed to reflect revisions to the collection in HAZMATICS and XML submissions.

The Council on the Safe Transportation of Hazardous Articles (COSTHA) petitioned PHMSA to revise DOT Form 5800.1 (P-1721).<sup>10</sup> Many of COSTHA's comments concern HAZMATICS and remain outstanding. PHMSA will consider them with comments received on this notice and expects to better address HAZMATICS development by the second comment period.

## IV. Proposed Changes to DOT Form 5800.1—Question-by-Question Review

This section explains and justifies revisions to existing data elements, following the current form's organization and numbering. References such as "Q1" mean Question 1 on the current form. Readers should consult the current form on PHMSA's website alongside the proposed form in the docket.<sup>11</sup> Section V addresses new data elements and provides additional details in proposed-form order.

The current form has eight Parts:

- I. Part I—Report Type
- II. Part II—General Incident Information
- III. Part III—Packaging Information
- IV. Part IV—Consequences
- V. Part V—Air Incident Information
- VI. Part VI—Description of Events & Packaging
- VII. Part VII—Recommendations/ Actions Taken To Prevent Recurrence
- VIII. Part VIII—Contact Information

### A. Current Form: Part I—Report Type

Q1 on the current form asks whether the filer is reporting: (A) a hazardous materials incident; (B) an undeclared shipment with no release; or (C) certain damage to a specification cargo tank with no release. The new form divides Q1 into two questions aligned with §§ 171.15 and 171.16. The first replaces option A with the circumstances requiring a telephone report to the National Response Center (NRC) under § 171.15(b), making the applicable incident types explicit. The second covers options B and C and the other reporting criteria in § 171.16(a)(2) and (a)(5).

Renamed "Part 1—Reason for the Report," this section requires filers to identify the regulatory basis for reporting before completing the rest of the form. This will help the OHMS Data Operations team determine whether a report is required without checking other answers. Filers may spend more time reviewing §§ 171.15 and 171.16 to identify the applicable criteria, but the change may prevent unnecessary reports. Filers should complete the remaining sections only after confirming that reporting is required.

Q2 currently offers "an initial report," "a supplemental (follow-up) report," and "additional pages." The new form replaces "a supplemental (follow-up) report" with the plainer "update existing report," without changing its

<sup>5</sup> GSA, *A Guide to the Paperwork Reduction Act: PRA Approval Process*, available at: <https://pra.digital.gov/clearance-process/>.

<sup>6</sup> PHMSA, *Data Operations Quality Management System*, available at: <https://www.phmsa.dot.gov/hazmat-program-management-data-and-statistics/data-operations/quality-management-system>.

<sup>7</sup> PHMSA, *Hazardous Materials Incident Report Search Tool*, available at: <https://www.phmsa.dot.gov/hazmat-program-management-data-and-statistics/data-operations/incident-statistics>.

<sup>8</sup> Docket Number: PHMSA-2026-1981, available at: <https://www.regulations.gov/document/PHMSA-2026-1981>.

<sup>9</sup> PHMSA, *Introduction to XML Submission*, available at: <https://www.phmsa.dot.gov/hazmat-program-development/data-operations/introduction-xml-submission>.

<sup>10</sup> COSTHA, *Petition P-1721* (Oct. 5, 2018), available at: <https://www.regulations.gov/docket/PHMSA-2018-0101>.

<sup>11</sup> PHMSA, *Hazardous Materials Incident Report* (Jan. 2004). DOT Form 5800.1; OMB No. 2137-0039, available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/IncidentForm010105.pdf>.

purpose: providing new or revised information after submitting a completed report. Filers who have not yet submitted a report must select “an initial report.” Under § 171.16(c), a filer must update a report within one year of the incident whenever:

- a death results from injury caused by hazardous material;
  - there was a misidentification of the hazardous material or package information on a prior incident report;
  - damage, loss or related cost that was not known when the initial incident report was filed becomes known; or
  - damage, loss, or related cost changes by \$25,000 or more, or 10% of the prior total estimate, whichever is greater.
- Filers may also select “update existing report” to revise information voluntarily, even when § 171.16(c) does not require an update. “Additional pages” applies only when information does not fit in the space provided.

#### *B. Current Form: Part II—General Incident Information*

Q3 and Q4 request the incident’s date and time, but the filer may know when an incident was discovered without knowing when it occurred. The new form asks filers to identify which date and time they are providing.

This distinction reduces the need to determine an exact occurrence time when only discovery is known—for example, when an undeclared shipment with no release is discovered after shipment. The new PDF also includes a calendar date picker and specifies the 24-hour time format as “HH:MM” (two-digit hour, two-digit minute), clarifying the current instruction to “use 24-hour time.” These features may reduce reporting burden.

Section 171.15 requires telephone notification to the U.S. Coast Guard (USCG) NRC for certain incidents. Q5 currently requests the NRC report number, if applicable. A blank response does not distinguish a call that was not made from one whose report number is unknown or omitted. The new form first asks whether the filer notified the NRC, and then requests the report number separately. It also links to the NRC website so filers can look up the number.<sup>12</sup> PHMSA intends these changes to improve clarity for filers and data users.

OHMS Data Operations staff use NRC records to identify incidents not yet reported on DOT Form 5800.1 and to match the two reports. In PHMSA’s

experience, NRC records generally become available within days, before the 30-day written-report deadline. If the report number is unavailable or omitted, the new Yes or No response will help staff assess whether NRC reporting requirements apply and follow up on incomplete information.

Q6 currently requests the agency name and report number in one field when the filer report an incident to “another Federal DOT agency.” For example, a derailment may require both a PHMSA report and a Federal Railroad Administration (FRA) report on FRA F 6180.54.<sup>13</sup> The new form first asks whether the filer reported the incident other agencies, then provides separate fields for agency names and report numbers, if known, with space for multiple reports. This accommodates filers who know the agency but not its report number and should improve completeness and coordination during analysis or investigation.

The new question also expands the scope beyond DOT: “Was the incident reported to other Federal, state, or local regulatory agencies?” For example, USCG enforces the HMR for vessel shipments but is part of the Department of Homeland Security (DHS), not DOT. Collecting information about reports to non-DOT Federal agencies and state or local agencies may increase filer burden, but it may improve coordination with agencies responding to or investigating incidents. PHMSA solicits comment.

Q7 requests the incident’s city, county, state, postal code, and street address, or mode-specific location information such as a mile marker, yard name, airport, body of water, river mile, or subdivision. The new form retains these fields, adds a checkbox for locations without a street address, and requests GPS latitude and longitude coordinates.

PHMSA expects GPS coordinates to improve location accuracy and support geospatial safety analysis, especially for in-flight, rail, or vessel incidents without a useful street address. Free online mapping tools can provide coordinates for a selected point. Providing coordinates may add little burden and may be easier than identifying a street address, mile marker, yard name, or other location descriptor.

Q8 identifies the transportation mode at the time of the incident. The new form retains that question and adds a follow-up about other modes used or

planned for the shipment. Filers may identify multiple known modes—for example, vessel transport before a rail incident or air transport planned after a highway leg.

This information could support coordination with the Federal Aviation Administration (FAA), FRA, the Federal Motor Carrier Safety Administration (FMCSA), and USCG on intermodal safety and “near miss” analysis. It would also help data users avoid treating the incident mode as the only mode potentially affected. PHMSA seeks comment on the benefits and burden of the question and whether to ask separately about modes already used and modes planned for later legs.

Q9 retains the transportation phases—in-transit, loading, unloading, and in-transit storage—but changes “In-Transit Storage” to “Temporary Storage (In-Transit Storage).” The revision clarifies that this storage occurs before final delivery to the consignee. PHMSA solicits comment.

Q10 requests the “Carrier/Reporter” name, address, Federal DOT ID Number, and PHMSA Hazardous Materials Registration Number. The new form links to FMCSA’s DOT-number lookup and PHMSA’s registration search (see 49 CFR part 107, subpart G).<sup>14</sup> It replaces “Carrier/Reporter” with “Reporter/Company” because § 171.16 assigns reporting to the person in physical possession of the material, who is not necessarily the carrier. Carrier information is requested separately; a “Carrier/Transporter same as Reporter” checkbox copies the reporter information into those fields to avoid duplicate entry. The new form also replaces “ZIP code” with “Postal Code” to accommodate international addresses and supplies state dropdowns for the reporter, carrier, shipper, shipment origin and destination, and incident location. These changes are intended to improve accuracy and standardize entries without adding burden.

Q11 retains shipper/offeree information, replaces “ZIP Code” with “Postal Code,” and links to PHMSA’s registration search. Anyone may search by company name, postal code, DOT number, or Hazardous Materials Registration Number.<sup>15</sup> The new form also clarifies the current “Waybill/Shipping Paper” field as “Identification

<sup>14</sup> FMCSA, *Safety and Fitness Electronic Records (SAFER) System: Company Snapshot*, available at: <https://safer.fmcsa.dot.gov/CompanySnapshot.aspx>. PHMSA, *Hazmat Registration Company Search*, available at: <https://portal.phmsa.dot.gov/HazmatRegistrationSearch>.

<sup>15</sup> PHMSA, *Hazmat Registration Company Search*, available at: <https://portal.phmsa.dot.gov/HazmatRegistrationSearch>.

<sup>12</sup> USCG, *National Response Center*, available at: <https://nrc.uscg.mil/>.

<sup>13</sup> FRA, *Rail Equipment Accident/Incident* (approved Dec. 5, 2023), FRA F 6180.54; OMB No. 2130–0500, available at: <https://railroads.dot.gov/safety-data/forms-guides-publications/forms/618054-rail-equipment-accidentincident>.

Number for the Shipping Paper/Bill of Lading/Waybill (e.g., Invoice #, tracking #).” PHMSA solicits comment.

Q12 and Q13 retain shipment origin and destination addresses, replace “ZIP code” with “Postal Code,” and add country fields to capture international shipments. Because most reported origins and destinations are in the United States, PHMSA seeks comment on whether the country fields should be required only for international locations to limit added burden.

Q14–Q18 retain the proper shipping name, technical/trade name, hazard class/division, United Nations/North American (UN/NA) identification number, and packing group used to identify the material’s Hazardous Materials Table (HMT) entry (49 CFR 172.101), with revised wording and order. “Identification number” becomes “UN/NA Identification Number,” and “Hazardous Class/Division” becomes “Hazard Class/Division.” The form clarifies that “Technical Trade Name” applies only to certain HMT entries.<sup>16</sup> Dropdowns supply the limited choices for hazard class/division and packing group. A lookup or autofill feature for the thousands of UN/NA numbers and proper shipping names appears feasible in HAZMATICS but difficult in the PDF. PHMSA solicits comment.

Q19 currently combines release quantity and unit of measure in one free-text field. The new form first asks “Was there a release?” to distinguish no release from an unknown quantity. It then permits a point estimate, a range, or both, and separates the unit of measure. This gives filers flexibility when the exact quantity is uncertain. A new field requests estimated release duration, which may add burden but could improve risk analysis and emergency-response planning by indicating potential public exposure. PHMSA has previously estimated duration from media reports, which may be less accurate than information available to filers.

Q20 retains the Yes/No hazardous-waste question concerning Environmental Protection Agency (EPA) requirements but specifies “shipped as an EPA-regulated hazardous waste.” The new wording adds “tracking” to “EPA Manifest Tracking Number,” matching EPA’s *Uniform Hazardous Waste Manifest* (OMB No. 2050–0039).<sup>17</sup>

<sup>16</sup> In the first column of the HMT, the letter “G” identifies proper shipping names for which one or more technical names of the hazardous material must be entered in parentheses, in association with the basic description. See § 172.203(k).

<sup>17</sup> EPA, *Uniform Hazardous Waste Manifest* (rev. Dec. 2017). EPA Form 8700–22, available at: <https://www.epa.gov/sites/default/files/2018-05/>

Q21 retains the Toxic by Inhalation (TIH) question and adds the synonymous term “Poison by Inhalation (PIH).”<sup>18</sup> For an affirmative response, a dropdown supplies the hazard-zone choices A, B, C, and D. PHMSA intends for change to reduce burden and improve accuracy and completeness.

Q22 replaces “Exemption” with “Special Permit,” consistent with the HM–240 final rule, *Hazardous Materials: Incorporation of Statutorily Mandated Revisions to the Hazardous Materials Regulations* (70 FR 73156).<sup>19</sup> Because a Competent Authority Certificate is a type of approval under the HMR, the new form asks whether the material was “shipped under a DOT/PHMSA Special Permit or Approval.”<sup>20</sup> PHMSA solicits comment on this simplification. Links allow filers to search for the applicable Special Permit or Approval number.<sup>21</sup> Although § 172.203(a) requires the “DOT–SP” number on the shipping paper, these searches provide another resource.

Q23 retains the undeclared-shipment question and adds a question about misdeclaration. An undeclared hazardous material lacks “any visible indication to the person accepting the hazardous material” (see § 171.8); misdeclaration may involve incorrect or missing shipping-paper information, labels, markings, or placards. The new question could identify noncompliance trends or confusing requirements that warrant guidance or regulatory changes.

[documents/uniform\\_hazardous\\_waste\\_manifest.pdf](#).

<sup>18</sup> Section 171.8 defines “Material poisonous by inhalation or Material toxic by inhalation” as: “(1) a gas meeting the defining criteria in § 173.115(c) of this subchapter and assigned to Hazard Zone A, B, C, or D in accordance with § 173.116(a) of this subchapter; (2) a liquid (other than as a mist) meeting the defining criteria in § 173.132(a)(1)(iii) of this subchapter and assigned to Hazard Zone A or B in accordance with § 173.133(a) of this subchapter; or (3) any material identified as an inhalation hazard by a special provision in column 7 of the § 172.101 table.” available at: <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-C/part-171/subpart-A/section-171.8>.

<sup>19</sup> *Hazardous Materials: Incorporation of Statutorily Mandated Revisions to the Hazardous Materials Regulations*, 70 FR 73156 (Dec. 9, 2005).

<sup>20</sup> Section 171.8 defines “Approval” as “a written authorization, including a competent authority approval, issued by the Associate Administrator, the Associate Administrator’s designee, or as otherwise prescribed in the HMR, to perform a function for which prior authorization by the Associate Administrator is required under subchapter C of this chapter (49 CFR parts 171 through 180).” available at: <https://www.ecfr.gov/current/title-49/subtitle-B/chapter-I/subchapter-C/part-171/subpart-A/section-171.8>.

<sup>21</sup> PHMSA, *Hazardous Materials Special Permits Search Page*, available at: <https://www.phmsa.dot.gov/approvals-and-permits/hazmat/special-permits-search>. PHMSA, *Hazardous Materials Approvals Search Page*, available at: <https://www.phmsa.dot.gov/approvals-and-permits/hazmat/approvals-search>.

Unlike undeclared shipments, “misdeclaration” is not itself a criterion that triggers hazardous materials incident reporting in § 171.16. Therefore, a misdeclared shipment that does not result in a release may not require reporting on DOT Form 5800.1.

### C. Current Form: Part III—Packaging Information

Q24 currently offers Non-bulk, Intermediate Bulk Container (IBC), Cargo Tank Motor Vehicle (CTMV), Tank Car, Cylinder, Radioactive Materials (RAM), Portable Tank, and Other. To identify a non-bulk subtype, filers must complete Q26b or provide a packaging code or specification marking in Q26a; for example, 1A1 identifies a steel drum with a non-removable head and 4G a fiberboard box. Without that information, data users cannot distinguish drums, boxes, bags, or other non-bulk packaging. The new form adds “Drum (Non-bulk),” “Box (Non-bulk),” “Bag (Non-bulk),” “Jerrican (Non-bulk),” and “Barrel (Non-bulk),” aligned with United Nations (UN) Performance Oriented Packaging (POP) categories. POP also includes IBCs and composite packaging.<sup>22</sup> IBCs already have a separate option and are not non-bulk packaging. PHMSA expects the expanded choices to be more intuitive and improve completeness, but their effect on burden is uncertain. PHMSA solicits comment.

The new form adds “Nurse Tanks” as a packaging type. Under 49 CFR 173.315(m), these cargo tanks transport anhydrous ammonia and are operated by private motor carriers exclusively for agricultural purposes.<sup>23</sup> The current form accommodates them under “Other.” PHMSA proposes a separate category because nurse tanks present distinct safety risks and are a common “Other” response.

For incidents involving multiple packaging types, the new form directs filers to HAZMATICS (<https://portal.phmsa.dot.gov>). Each type requires its own packaging details; using the current PDF requires copies of Part III with separate responses for each type. HAZMATICS and XML better accommodate these incidents, and PHMSA encourages their use.

Q25 requests packaging failure codes from the *Guide for Reporting Hazardous Materials Incident Reports* in three categories: What Failed, How Failed,

<sup>22</sup> PHMSA, *Guide to Performance Oriented Packaging Codes*, available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/Performance%20Packaging%20Codes.pdf>.

<sup>23</sup> 49 CFR 173.315.

and Cause of Failure.<sup>24</sup> The current PDF allows two codes per category. The new form requests the most important code in each category—three codes total—consistent with most filings, while retaining a free-text field for additional codes. The question moves after the

packaging description so filers describe the package before explaining its failure. This is intended to streamline reporting without restricting additional information.

PHMSA seeks comment on whether to delete, revise, or add failure codes, including an “Other (not listed)” code.

DOT’s internal review recommended “Carrier/Operator Mishandling,” included as code 539 in the new form. The following tables show code counts in incident reports from 2010–2023, illustrating common and rarely used codes.

COUNT OF FAILURE CAUSE CODES, 2010–2023<sup>25</sup>

| Failure cause code | Description                                          | Count<br>(n=188,672) | Percentage |
|--------------------|------------------------------------------------------|----------------------|------------|
| 526                | Loose Closure, Component, or Device                  | 34,331               | 18.2       |
| 515                | Human Error                                          | 29,284               | 15.5       |
| 511                | Dropped                                              | 24,934               | 13.2       |
| 517                | Improper Preparation for Transportation              | 23,496               | 12.5       |
| 513                | Forklift Accident                                    | 13,935               | 7.4        |
| 521                | Inadequate Preparation for Transportation            | 12,039               | 6.4        |
| 508                | Defective Component or Device                        | 11,274               | 6.0        |
| 516                | Impact with Sharp or Protruding Object (e.g., nails) | 9,584                | 5.1        |
| 519                | Inadequate Blocking and Bracing                      | 3,880                | 2.1        |
| 534                | Too Much Weight on Package                           | 3,857                | 2.0        |
| 502                | Broken Component or Device                           | 3,139                | 1.7        |
| 535                | Valve Open                                           | 3,011                | 1.6        |
| 522                | Inadequate Procedures                                | 2,175                | 1.2        |
| 505                | Conveyor or Material Handling Equipment Mishap       | 2,008                | 1.1        |
| 510                | Deterioration or Aging                               | 1,757                | 0.9        |
| 501                | Abrasion                                             | 1,732                | 0.9        |
| 537                | Vehicular Crash or Accident Damage                   | 1,366                | 0.7        |
| 529                | Overfilled                                           | 1,095                | 0.6        |
| 531                | Rollover Accident                                    | 1,015                | 0.5        |
| 530                | Over-pressurized                                     | 916                  | 0.5        |
| 527                | Misaligned Material, Component, or Device            | 614                  | 0.3        |
| 507                | Corrosion—Interior                                   | 549                  | 0.3        |
| 528                | Missing Component or Device                          | 515                  | 0.3        |
| 506                | Corrosion—Exterior                                   | 295                  | 0.2        |
| 514                | Freezing                                             | 293                  | 0.2        |
| 509                | Derailment                                           | 250                  | 0.1        |
| 512                | Fire, Temperature, or Heat                           | 236                  | 0.1        |
| 533                | Threads Worn or Cross Threaded                       | 199                  | 0.1        |
| 518                | Inadequate Accident Damage Protection                | 183                  | 0.1        |
| 523                | Inadequate Training                                  | 160                  | 0.1        |
| 538                | Water Damage                                         | 148                  | 0.1        |
| 520                | Inadequate Maintenance                               | 114                  | 0.1        |
| 503                | Commodity Self-Ignition                              | 98                   | 0.1        |
| 525                | Incorrectly Sized Component or Device                | 92                   | 0.0        |
| 524                | Incompatible Product                                 | 47                   | 0.0        |
| 536                | Vandalism                                            | 25                   | 0.0        |
| 504                | Commodity Polymerization                             | 22                   | 0.0        |
| 532                | Stub Sill Separation from Tank (Tank Cars)           | 4                    | 0.0        |

COUNT OF “WHAT FAILED” CODES, 2010–2023<sup>26</sup>

| What failed code | Description                       | Count<br>(n=189,087) | Percentage |
|------------------|-----------------------------------|----------------------|------------|
| 109              | Closure (e.g., Cap, Top, or Plug) | 80,546               | 42.6       |
| 104              | Body                              | 62,179               | 32.9       |
| 103              | Basic Material                    | 13,125               | 6.9        |
| 128              | Inner Packaging                   | 4,468                | 2.4        |
| 129              | Inner Receptacle                  | 3,982                | 2.1        |
| 110              | Cover                             | 3,231                | 1.7        |

<sup>24</sup> PHMSA, *Guide for Preparing Hazardous Materials Incident Reports* (Jan. 2004), available at: [https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/reporting\\_instructions\\_rev.pdf](https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/reporting_instructions_rev.pdf).

<sup>25</sup> PHMSA, *Hazardous Materials Incident Report Search Tool* (last accessed Feb. 26, 2026), available at: <https://www.phmsa.dot.gov/hazmat-program-management-data-and-statistics/data-operations/incident-statistics>. Query the incident data by the following field: Date of Incident = 01/01/2010 to 12/31/2023. Deduplicate the resulting rows/records

using the Report Number field, as a single incident (each uniquely identified by the Report Number) can have multiple rows/records. Aggregate the number of distinct reports where the Failure Cause Code is not blank and contains at least one valid value for the field, such as “501,” “535,” or “535; 508.”

<sup>26</sup> PHMSA, *Hazardous Materials Incident Report Search Tool* (last accessed Feb. 26, 2024), available at: <https://www.phmsa.dot.gov/hazmat-program-management-data-and-statistics/data-operations/>

*incident-statistics*. Query the incident data by the following field: Date of Incident = 01/01/2010 to 12/31/2023. Deduplicate the resulting rows/records using the Report Number field, as a single incident (each uniquely identified by the Report Number) can have multiple rows/records. Aggregate the number of distinct reports where the value for the What\_Failed\_Code is not blank and contains at least one valid value for the field, such as “101,” “104,” or “104; 161”.

COUNT OF "WHAT FAILED" CODES, 2010–2023<sup>26</sup>—Continued

| What failed code | Description                               | Count<br>(n=189,087) | Percentage |
|------------------|-------------------------------------------|----------------------|------------|
| 161              | Weld or Seam                              | 2,474                | 1.3        |
| 137              | Manway or Dome Cover                      | 1,886                | 1.0        |
| 140              | Outer Frame                               | 1,382                | 0.7        |
| 121              | Gasket                                    | 1,331                | 0.7        |
| 134              | Liquid Valve                              | 1,084                | 0.6        |
| 144              | Pressure Relief Valve—Reclosing           | 964                  | 0.5        |
| 150              | Tank Shell                                | 907                  | 0.5        |
| 106              | Bottom Outlet Valve                       | 857                  | 0.5        |
| 125              | Hose                                      | 821                  | 0.4        |
| 139              | O-Rings or Seals                          | 776                  | 0.4        |
| 135              | Loading or Unloading Lines                | 580                  | 0.3        |
| 126              | Hose Adaptor or Coupling                  | 540                  | 0.3        |
| 108              | Chime                                     | 522                  | 0.3        |
| 158              | Vapor Valve                               | 482                  | 0.3        |
| 115              | Discharge Valve or Coupling               | 462                  | 0.2        |
| 141              | Piping or Fittings                        | 433                  | 0.2        |
| 159              | Vent                                      | 432                  | 0.2        |
| 114              | Cylinder Valve                            | 410                  | 0.2        |
| 117              | Fill Hole                                 | 402                  | 0.2        |
| 112              | Cylinder Sidewall—Near Base               | 394                  | 0.2        |
| 153              | Vacuum Relief Valve                       | 365                  | 0.2        |
| 143              | Pressure Relief Valve—Non-Reclosing       | 350                  | 0.2        |
| 133              | Liquid Line                               | 336                  | 0.2        |
| 118              | Flange                                    | 287                  | 0.2        |
| 122              | Gauging Device                            | 280                  | 0.1        |
| 105              | Bolts or Nuts                             | 245                  | 0.1        |
| 132              | Liner                                     | 235                  | 0.1        |
| 113              | Cylinder Sidewall—Other                   | 200                  | 0.1        |
| 119              | Frangible Disc                            | 197                  | 0.1        |
| 154              | Valve Body                                | 181                  | 0.1        |
| 111              | Cylinder Neck or Shoulder                 | 171                  | 0.1        |
| 124              | High Level Sensor                         | 140                  | 0.1        |
| 130              | Lifting Feature                           | 134                  | 0.1        |
| 101              | Air Inlet                                 | 132                  | 0.1        |
| 107              | Check Valve                               | 127                  | 0.1        |
| 146              | Sample Line                               | 124                  | 0.1        |
| 157              | Valve Stem                                | 123                  | 0.1        |
| 152              | Threaded Connection                       | 121                  | 0.1        |
| 160              | Washout                                   | 119                  | 0.1        |
| 149              | Tank Head                                 | 115                  | 0.1        |
| 127              | Inlet (Loading) Valve                     | 91                   | 0.0        |
| 116              | Excess Flow Valve                         | 74                   | 0.0        |
| 155              | Valve Seat                                | 58                   | 0.0        |
| 120              | Fusible Pressure Relief Device or Element | 56                   | 0.0        |
| 102              | Auxiliary Valve                           | 31                   | 0.0        |
| 136              | Locking Bar                               | 28                   | 0.0        |
| 148              | Sump                                      | 21                   | 0.0        |
| 151              | Thermometer Well                          | 20                   | 0.0        |
| 123              | Heater Coil                               | 11                   | 0.0        |
| 138              | Mounting Studs                            | 10                   | 0.0        |
| 147              | Stub Sill (Tank Car)                      | 9                    | 0.0        |
| 142              | Piping Shear Section                      | 8                    | 0.0        |
| 145              | Remote Control Device                     | 7                    | 0.0        |
| 156              | Valve Spring                              | 7                    | 0.0        |
| 131              | Lifting Lug                               | 4                    | 0.0        |

COUNT OF "HOW FAILED" CODES, 2010–2023<sup>27</sup>

| How failed code | Description         | Count<br>(n=187,584) | Percentage |
|-----------------|---------------------|----------------------|------------|
| 308             | Leaked              | 100,434              | 53.54      |
| 309             | Punctured           | 27,412               | 14.61      |
| 305             | Crushed             | 19,041               | 10.15      |
| 304             | Cracked             | 14,556               | 7.76       |
| 306             | Failed to Operate   | 6,531                | 3.48       |
| 303             | Burst or Ruptured   | 5,999                | 3.20       |
| 302             | Bent                | 3,665                | 1.95       |
| 312             | Torn Off or Damaged | 2,713                | 1.45       |
| 310             | Ripped or Torn      | 2,090                | 1.11       |

COUNT OF “HOW FAILED” CODES, 2010–2023<sup>27</sup>—Continued

| How failed code | Description         | Count<br>(n=187,584) | Percentage |
|-----------------|---------------------|----------------------|------------|
| 307 .....       | Gouged or Cut ..... | 1,810                | 0.96       |
| 313 .....       | Vented .....        | 1,694                | 0.90       |
| 311 .....       | Structural .....    | 1,148                | 0.61       |
| 301 .....       | Abraded .....       | 491                  | 0.26       |

Q26a replaces “identification markings” with “specification markings” to reduce confusion with UN material identification numbers such as UN1263 and UN1075. Responses are frequently missing, incorrect, or incomplete. Possible reasons include this terminology, unfamiliarity with technical markings, markings destroyed in the incident, or packaging no longer in the reporting company’s custody. PHMSA seeks comment on improving data quality for this field.

The new form asks whether the packaging met a UN or DOT specification. A “No” response hides the specification-markings field, accommodating authorized non-specification packaging. Otherwise, markings remain relevant because they describe packaging design, manufacture, and testing and can support failure investigations. PHMSA seeks comment on reducing nonresponse and improving accuracy.

Q26b currently requests packaging type and material of construction for non-bulk, IBC, and non-specification packaging when identification markings are incomplete or unavailable. The new form instead requests these details for the outermost or single packaging, then for inner packaging, if applicable. Expanded Q24 packaging choices eliminate the first Q26b packaging-type field; the inner-packaging field remains. Packaging-type fields therefore decrease from three (Q24 and two in Q26b) to two. Material-of-construction fields likewise decrease from three (Q28 and two in Q26b) to two. The information remains requested, but it is organized by outer/single and inner packaging rather than by separate groups of packaging types.

Packaging codes or complete specification markings can already supply some of these details. For example, 1A1 identifies a steel drum with a non-removable head, while 1A2 identifies a removable head. The marking 1A1/Y1.4/150/92/USA/RB additionally gives performance level (Y), specific gravity (1.4), hydrostatic test pressure (150 kPa), manufacture year (1992), country of origin (USA), and manufacturer’s symbol (RB). Thus, code 1A1 conveys the packaging type, construction material, and head type requested in Q26b.

The form retains some redundancy because filers may know these characteristics without knowing the packaging code or full specification marking. They may be unfamiliar with PHMSA’s *Guide to Performance Packaging Codes* or have difficulty locating and interpreting requirements such as 49 CFR 178.35 for DOT specification cylinders or part 178, subpart L for non-bulk POP specifications.<sup>28</sup>

PHMSA seeks comment on reducing confusion and streamlining packaging-specification questions. Options include allowing a photograph showing the markings and encouraging carriers to corroborate information with shippers. The shipper preparing the package may know more about its specification than the carrier, although § 171.16 places reporting responsibility on the person in physical possession of the material at the time of the incident.

Q27 retains capacity, amount in the package, the number of packages matching the Part III description, and the number that failed. The new form adds separate unit-of-measure fields for capacity and amount. It presents outermost or single packaging first and inner packaging later, rather than side by side, because all shipments have single or outermost packaging but only some have inner packaging.

“Outermost” identifies the packaging visible to shippers and carriers.

Q28’s twelve fields are reorganized into smaller groups. “Manufacturer

Name,” “Date of Manufacture,” and “Serial Number” form one question, with the first two labels replacing “Manufacturer” and “Manufacture Date.” As explained under Q26b, construction material is requested for outer/single and inner packaging rather than separately for tank cars, CTMVs, portable tanks, and cylinders. Design pressure, shell thickness, head thickness, and service pressure remain, with a nurse-tank annotation and visibility linked to packaging type. The pressure-relief device or valve fields—type, manufacturer, and model—remain essentially unchanged.

Alongside Q28’s “Last Test Date,” the new form requests “Type of Testing or Requalification” and “Test Laboratory or Provider,” identifying the authorized person or company that last performed the prescribed testing. Because specification packaging undergoes different tests, the type and provider give the date context and can support failure investigations. These new fields may add burden. PHMSA solicits comment.

Q29’s radioactive-materials questions move into a separate Part without changing their content, as recommended by PHMSA’s RAM experts. This makes these questions easier to bypass for the large majority of incidents that do not involve RAM. Even a small time saving across those filings could be beneficial.

The new form reorganizes Q24–Q29, increases spacing, provides dropdowns for limited response sets, and links fields so filers see only applicable questions. PHMSA seeks comment on whether these design changes reduce burden and improve response rates and data quality in this technical section.

#### D. Current Form: Part IV—Consequences

Q30 currently identifies the “Result of Incident” through Spillage, Fire, Explosion, Material Entered Waterway/Storm Sewer, Vapor (Gas) Dispersion, Environmental Damage, and No Release. The new form asks “What was the type of release or outcome of the release?” and adds “thermal runaway.” This is a reaction in which heat generation accelerates further temperature rise. Increasing lithium battery incidents

<sup>27</sup> PHMSA, *Hazardous Materials Incident Report Search Tool* (last accessed Feb. 26, 2024), available at: <https://www.phmsa.dot.gov/hazmat-program-management-data-and-statistics/data-operations/incident-statistics>. Query the incident data by the following field: Date of Incident = 01/01/2010 to 12/31/2023. Deduplicate the resulting rows/records using the Report Number field, as a single incident (each uniquely identified by the Report Number) can have multiple records. Aggregate the number of distinct reports where the value for How\_Failed\_Code is not blank and contains at least one valid value for the field, such as “301,” “304,” or “303; 308.”

<sup>28</sup> PHMSA, *Guide to Performance Packaging Codes* (Aug. 13, 2009), available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/Performance%20Packaging%20Codes.pdf>.

prompted the addition, but it also covers other reactions, including polymerization and decomposition. PHMSA seeks comment, particularly on additional lithium-battery data elements.

The new “Was there a release?” question also replaces Q30’s “No release” checkbox. A blank checkbox is ambiguous, and a “Yes” value for the published variable “No\_Release\_Result\_Ind” can confuse data users. Asking directly whether a release occurred makes both reporting and interpretation clearer. PHMSA expects filers to be able to determine this by the time of filing, even if it was uncertain during the initial response.

As discussed under Q19, the new form requests release duration in a dedicated field rather than only in the incident narrative. Duration helps assess potential exposure of responders, transportation workers, and the public. PHMSA expects filers preparing reports within 30 days to provide more complete estimates than may be available to on-site contacts or news outlets soon after an incident.

Q31 retains the Fire/Emergency Medical Services (EMS) and Police response indicators and report-number fields and adds the responding departments’ names. Incident location alone may not identify which state, county, or municipal departments responded. Names will help OHMS Data Operations staff obtain or corroborate information even when the filer does not know the report numbers.

The new form separates Q31’s “In-house cleanup” and “Other Cleanup” from emergency response because remediation and cleanup are distinct activities. It asks: “Did the release of hazardous material require environmental remediation, disposal of contaminated soil or water, or other cleanup?” A “No” response closes the question. A “Yes” response prompts a description using “In-house cleanup (no contracted parties)” or “Other cleanup (e.g., contracted parties).” The latter requests the names of companies contracted to conduct or otherwise involved in cleanup; the in-house selection ends the question. This removes uncertainty when the current cleanup checkboxes are left blank.

Q32 retains the \$500 damage threshold and the categories Material Loss, Carrier Damage, Property Damage, Response Cost, and Remediation/Cleanup Cost. The new form hides the category fields when the filer answers “No” to whether total damage exceeded \$500. PHMSA remains concerned about underreported damages but does not

propose changing the threshold and seeks comment on it.

Q33a retains the question whether hazardous material caused or contributed to a fatality and the counts for employees, responders, and the general public. The new form removes “resulting from the hazardous material” from the follow-up instructions because the initial question already establishes that scope. Q33b separately addresses fatalities not caused by hazardous material.

Q33b retains fatalities not resulting from the hazardous material and changes “If yes, how many?” to “If yes, enter the number of fatalities,” consistent with Q33a. For example, a driver killed by a collision with a gasoline cargo tank is distinguished from a driver killed by a fire resulting from released gasoline. The distinction between incident involvement and hazardous-material causation remains.

Q34 retains the question whether hazardous material caused or contributed to injury and the counts by hospitalization status and population—employees, responders, or the general public. The new form slightly revises the affirmative-response instructions and hides the remaining fields after a “No” response.

Q35 retains whether hazardous material caused or contributed to evacuation, the employee and general-public counts, and duration in hours. It removes “Total Evacuated” because PHMSA calculates and publishes that total by adding the two counts. The follow-up fields respond to the Yes/No selection to reduce unnecessary entry.

Q36 retains whether a major transportation artery or facility closed and, if so, the closure duration. The current guide defines a major transportation artery as a highway, main road, or secondary road, excluding side streets and dirt roads; for rail, it includes lines other than rail spurs. The new form slightly revises the affirmative-response instructions and hides the duration field after a “No” response.

Q37 retains crash or derailment, vehicle overturn, departure from the roadway or track, estimated speed, and weather conditions. The new form groups the Yes/No questions and requests speed in miles per hour and a weather description if any of the three conditions occurred. The current form requests these details only for a crash or derailment. Expanding the trigger to overturns and departures may therefore slightly increase burden.

#### *E. Current Form: Part V—Air Incident Information*

The new form retains the current air-only content (Q38–Q40), expands some response choices, and adds questions on flight numbers, passenger baggage, and Unmanned Aircraft Systems (UAS), or drones. Section V describes the new questions.

The air-only section moves earlier, from Part V to Part 4, so filers reporting passenger-baggage incidents can identify which shipping-paper questions to bypass. It is enabled only when the reported mode at occurrence or discovery is air; otherwise, its fields cannot be completed.

Q38 retains whether the material was offered or transported on passenger aircraft and whether it was cargo or passenger baggage. For baggage incidents, the new instructions allow filers to skip shipment information such as shipper/offeror name and shipping-paper or bill-of-lading number because baggage generally has no shipping paper. This should reduce required entries.

Q39 currently offers six incident locations or stages: air carrier cargo facility, sort center, baggage area, surface transport to or from the airport, flight, and aircraft loading/unloading. The new form adds Unit Load Device (ULD) loading and unloading, taxiing for takeoff and landing, Transportation Security Administration (TSA) baggage screening area, other baggage area, gate area, and maintenance/stores area. It separates aircraft loading from unloading and adds “Other (please describe)” with free text. DOT’s internal review recommended the expanded choices to give PHMSA and FAA more detail, although reviewing more options may increase burden. DOT solicits comment.

Q40 asks which phases the shipment had completed before the incident. The new form changes “Transported by air (first flight)” and “Transported by air (subsequent flights)” to “Transported by air (one flight)” and “Transported by air (multiple flights).” It separates “Transfer at sort center/cargo facility” into sort-center and air-cargo-facility choices and adds “Origin Forwarder” and “Destination Forwarder.” “Shipment had not been transported” and “Initial transport by highway to cargo facility” remain. DOT’s internal review recommended the additional choices. DOT solicits comment.

Section V, Part 4, provides the additional air questions and the routing instructions for cargo and passenger-baggage incidents.

#### *F. Current Form: Part VI—Description of Events & Package Failure*

Part VI requests a free-text incident narrative: the sequence of events, mitigation actions, package failure—including the size and location of holes or cracks—and estimated release duration. It also requests photographs and diagrams when needed for clarification. This flexible field allows filers to explain circumstances not captured by structured questions, but many responses contain only a sentence or two. PHMSA seeks comment on encouraging more detailed narratives.

The new form retains a large free-text field and uses plain-language questions and bullets to organize the response. Its “Description of Events” instructions are:

*Please describe the following:*

- *Why did the incident occur?*
- *What sequence of events led up to the incident?*
- *What was done to mitigate the release?*
- *What actions were taken at the time the incident occurred or was first discovered?*
- *Any additional details about the incident that are not captured elsewhere on the form?*

The dedicated release-duration field discussed under Q19 replaces the request within the current narrative instructions, where filers may overlook it.

The new instructions state: “PHMSA strongly encourages you to submit photographs, maps, diagrams, or other visuals that illustrate the nature or impacts of the incident.” Visuals can clarify circumstances beyond the narrative. Filers may attach them to an emailed PDF report sent to [PhmsaHAZMATICS@dot.gov](mailto:PhmsaHAZMATICS@dot.gov) or upload them through HAZMATICS (<https://portal.phmsa.dot.gov>). PHMSA seeks comment on encouraging these submissions.

#### *G. Current Form: Part VII—Recommendations/Actions Taken To Prevent Recurrence*

Part VII retains a free-text field for actions and recommendations to prevent recurrence, including measures within the company’s control and broader improvements. Filers have suggested training, packaging, operating procedures, technology, and routing changes that PHMSA and other stakeholders can examine. The new form revises the instructions for “Actions Taken or Planned to Prevent Recurrence” as follows:

*Do you have recommendations to help prevent the recurrence of a similar incident? These recommendations may include*

*improvements to regulations, training, packaging, operations, communications, or other areas. Please describe whether the recommended actions are within the control of your company or if they depend on other parties or stakeholders to be implemented.*

PHMSA seeks comment on improving responses because many filings leave this field blank or identify no potential change to prevent recurrence.

#### *H. Current Form: Part VIII—Contact Information*

Part VIII currently identifies a “Preparer” whom PHMSA can contact for additional information. It requests name, telephone, job title, fax, business name and address, email, hazardous materials registration number if not already provided, date, and whether the preparer is a carrier, shipper, facility, or other entity.

The new form removes fax number, date, separate preparer business name and address, and preparer registration number. Email generally serves document transmission needs, and email timestamps or mailed-report postmarks supply dates. Although a company may use a third-party preparer, the reporter remains responsible under the HMR; PHMSA therefore proposes to remove the preparer/reporter distinction while retaining a direct contact. Email and telephone are preferred contact methods, and carrier and shipper registration numbers are already collected elsewhere.

PHMSA has also removed the carrier/shipper/facility/other indicator. Reporter, carrier, and shipper information—and the “Shipper/Offendor same as Reporter” and “Carrier/Transporter same as Reporter” checkboxes—can identify those relationships. “Facility” is ambiguous and historically appears in less than about 0.5 percent of filings; “Other” often identifies a third-party agent or consultant. PHMSA solicits comment.

The direct contact moves earlier in the form and retains first name, last name, position title, email, telephone, and extension, without the “Preparer” label.

The new form also requests a direct shipper contact, beyond the company-level information already collected. DOT’s internal review recommended this addition to help investigators obtain packaging and hazardous-material information. Most reporters are carriers; PHMSA expects them to be able to provide a shipper contact reachable by telephone or email. Section V, Part 5, describes this new field.

#### **V. New Content (Found on New Form/Not Found on Current Form)**

This section describes new data elements and additional details in proposed-form order. Where a change is already explained in section IV, this section refers to that discussion. The proposed form uses Arabic-numbered Parts rather than Roman numerals to improve readability.

The proposed form has ten Parts:

1. Part 1—Reason for the Report
2. Part 2—Reporter/Company Information
3. Part 3—General Incident Information
4. Part 4—Air Incident Only
5. Part 5—Shipment Information
6. Part 6—Hazardous Material Information
7. Part 7—RAM
8. Part 8—Packaging Information
9. Part 9—Outcomes of the Incident
10. Part 10—Description of Events and Actions Taken To Prevent Recurrence

Here, “Q\*1” means Question 1 on the proposed form; “Q1” refers to the current form. Compare the docketed proposal with the current form on PHMSA’s website.<sup>29</sup> Section VI provides a crosswalk, with proposed question numbers in its right-most column.

##### *A. New Form: Part 1—Reason for the Report*

Q\*1 asks whether any of the following occurred as a direct result of the hazardous material:

- A person was killed.
- A person received an injury requiring admittance to a hospital.
- The general public was evacuated for one hour or more.
- A major transportation artery or facility was closed or shut down for one hour or more.
- The operational flight pattern or routine of an aircraft was altered.
- During transportation by aircraft, a fire, violent rupture, explosion, or dangerous evolution of heat occurred as a direct result of a battery or battery-powered device.
- Fire, breakage, spillage, or suspected radioactive contamination occurred involving a radioactive material.
- Fire, breakage, spillage, or suspected contamination occurred involving an infectious substance other than a regulated medical waste.
- A release of a marine pollutant occurred in a quantity exceeding 450 L (119 gallons) for a liquid or 400 kg (882 pounds) for a solid.
- In the judgment of the person in possession of the hazardous material,

<sup>29</sup> PHMSA, *Hazardous Materials Incident Report* (Jan. 2004). DOT Form 5800.1; OMB No. 2137–0039, available at: <https://www.phmsa.dot.gov/sites/phmsa.dot.gov/files/docs/IncidentForm010105.pdf>.

the incident should be reported to the National Response Center (NRC) even though the incident did not meet other criteria above.

These selections reflect § 171.15(b) and make the reporting criteria explicit, as discussed under Q1 in section IV.

A written report may be required even when NRC telephone notification is not. Q\*2 therefore asks, “During transportation in commerce, did any of the following occur?” Filers select all applicable criteria from § 171.16(a):

- An unintentional release of a hazardous material or the discharge of any quantity of hazardous waste.
- An undeclared hazardous material was discovered.
- In any mode of transportation, a fire, violent rupture, explosion, or dangerous evolution of heat occurred as a direct result of a battery or battery-powered device.
- A specification cargo tank with a capacity of 1,000 gallons or greater containing any hazardous material suffered structural damage to the lading retention system or damage that requires repair to a system intended to protect the lading retention system, even if there is no release of hazardous material.

Together, Q\*1 and Q\*2 identify the basis for filing. If none applies, the filer should gather more information and consider whether a report is required. The current form identifies only some reporting criteria, which can leave the basis unclear. Reviewing the full criteria may add burden but should prevent unnecessary filing and processing. Understanding reporting requirements is also part of function-specific training for hazmat employees who prepare or assist with reports; see the definition in § 171.8 and training requirements in § 172.704.

Q\*3–Q\*6 correspond to existing questions. Section VI maps them to the current form, including Q\*3 to Q2 and Q\*4 to Q5.

Q\*3 retains initial reports, updates, and additional pages. Section IV’s Q2 discussion explains the revised “update existing report” label and mandatory update criteria. The label also aligns with “Updating the incident report” in § 171.16(c). “Additional pages” accommodates multiple hazardous materials, packaging types, or shippers when using the PDF, although PHMSA encourages HAZMATICS or XML for those cases. For example, an initial report covering UN1267 and UN1993 would contain the general incident details and UN1267 information; a second PDF marked “additional pages” would provide the unique UN1993 information.

Q\*4 implements the NRC notification indicator, separate report-number field, and lookup link discussed under Q5 in section IV. The NRC website helps filers find a report number after notification.<sup>30</sup>

Q\*5 carries forward Q31’s Fire/EMS and Police response information and adds the responding departments’ names, as explained in section IV. Moving it earlier groups NRC, Fire/EMS, Police, and other-agency reporting questions together.

Q\*6 implements the separate agency-name and report-number fields, space for multiple reports, and expanded agency scope described under Q6 in section IV.

That discussion explains the potential added burden and coordination benefits of including non-DOT Federal, state, and local agencies. PHMSA solicits comment.

#### *B. New Form: Part 2—Reporter/Company Information*

Part 2 combines reporting-company and direct-contact information. Section IV’s Q10 and Part VIII discussions explain the retained fields and removal of fax and separate preparer information. Use of a third party does not transfer the reporting company’s responsibility under § 171.16.

Q\*9 asks, “Is the reporting company the carrier of the hazardous material?” If yes, Q\*10 asks whether the carrier notified the shipper that its shipment was involved in an accident or incident. PHMSA expects greater carrier–shipper communication to help corroborate information and resolve safety issues.

The HMR currently does not require a carrier to notify the shipper of such an incident. PHMSA may consider that requirement in a future rulemaking. For now, Q\*10 would identify whether notification occurred and may encourage communication so both parties can help prevent recurrence. A shipper otherwise may be unaware of the incident.

Shippers may be better positioned to fill gaps in packaging specifications, markings, capacity, testing, and material classification. The HMR distinguishes pre-transportation from transportation functions. Section 171.1(b) addresses classification, packaging selection, marking, labeling, shipping papers, and package closure; § 172.204 addresses the shipper’s certification. These responsibilities make shippers a potential resource for improving incomplete reports.

Q\*10 would help PHMSA assess whether voluntary notification is

common enough that a new requirement may be unnecessary. This PRA notice does not propose an HMR amendment requiring notification. The Research and Special Programs Administration (RSPA) proposed such a requirement in the 2001 HM–229 notice of proposed rulemaking (NPRM) but did not adopt it in the final rule.<sup>31</sup> PHMSA seeks comment on improving notification and collaboration.

Section VI maps the remaining Part 2 fields to the current form.

#### *C. New Form: Part 3—General Incident Information*

Part 3 requires filers to select either “occurred” or “first discovered” for the incident date and time. Section IV’s Q3/Q4 discussion explains how this distinction accommodates unknown occurrence times without materially increasing burden.

Q\*11 adds the calendar date picker, and Q\*12 specifies the HH:MM time format, as described in that discussion.

Q\*13 adds GPS longitude/latitude coordinates. Section IV’s Q7 discussion explains their use where conventional location descriptors are inadequate and the possible additional burden. Filers can copy coordinates from a point selected in a free online mapping tool into the PDF.

Filer-supplied coordinates may also be more accurate than PHMSA’s geocoding results when no reliable street address exists. Uncertainty in those results has complicated consideration of publishing coordinates in the incident dataset. The new field is intended to improve location accuracy and support PHMSA’s geographic information systems analysis, as well as partners’ and stakeholders’ use of geospatial data.

Q\*15 asks, “Was the shipment transported or planned to be transported by another mode?” After “Yes,” filers select all known applicable modes: Highway, Rail, Air, Water, and Pipeline. A “No” response closes the choices. The mode at occurrence or discovery remains separately identified.

Section IV’s Q8 discussion explains the intermodal rationale, burden considerations, and possible separation of completed and planned legs. For example, a highway incident involving a shipment destined for air transport could inform analysis of potential air risks. The additional modes would support multimodal queries and coordination with FAA, FMCSA, FRA,

<sup>30</sup> USCG, *National Response Center*, available at: <https://nrc.uscg.mil/>.

<sup>31</sup> RSPA, *Hazardous Materials: Revisions to Incident Reporting Requirements and the Hazardous Materials Incident Report Form* (Docket No. RSPA–99–5013 (HM–229); RIN 2137–AD21), 66 FR 35155 (July 3, 2001).

and USCG; they do not establish where the packaging would otherwise have failed.

Q\*17 asks, “Did the incident occur or was the incident discovered during an inspection?” An affirmative response requests the inspecting entity’s name. PHMSA believes the information could help identify patterns associated with inspections and inform advisories, guidance, or changes to inspection practices or requirements to protect transportation workers and agency personnel.

Section VI maps the remaining Part 3 fields, including Q\*16 to Q9 and Q\*18 to Q22.

#### *D. New Form: Part 4—Air Incident Only*

Part 4 is enabled only for air incidents at occurrence or discovery. Section IV’s Q38–Q40 discussion covers retained and expanded air-only fields. The following paragraphs describe additional questions and routing.

Q\*19 adds a UAS question. Hazardous-material transport by UAS presents potential safety risks and may become more common, subject to FAA coordination and applicable testing, packaging, material, and quantity limits. The *FAA Reauthorization Act of 2024* directs the Secretary to “use a risk-based approach to establish the operational requirements, standards, or special permits necessary to approve or authorize an air carrier to transport hazardous materials by unmanned aircraft systems” based on the weight, amount, and type of material.<sup>32</sup> HMR incident-reporting triggers in §§ 171.15 and 171.16 already apply to UAS operators as to other air operators. PHMSA seeks comment on the proposed UAS question.

Q\*20 expands Q39’s six incident-location choices to fifteen: Sort Center; During flight; Gate area; TSA baggage screening area; By surface to/from the airport; Maintenance/Stores area; Other baggage area; During loading of aircraft; During unloading of aircraft; During taxiing for takeoff; During taxiing for landing; During loading of ULD [Unit Load Device]; During unloading of ULD; Cargo facility; and Other (please describe). The last option includes free text. Section IV explains the changes recommended by DOT’s internal review and their potential burden. PHMSA solicits comment.

Q\*22 requests flight numbers for cargo or passenger flights that transported the material or to which it

was offered. Flight numbers can provide routing and flight details beyond origin and destination, supporting analysis and investigation.

Q\*23 and Q\*24 retain Q38’s passenger-aircraft and cargo/baggage questions. For passenger baggage, Q\*25 adds six location choices: “On the passenger’s person (on one’s person),” “In the cabin,” “In a baggage compartment,” “Checked baggage,” “Gate area,” and “Other (please describe),” with free text. Q\*26 asks whether the material carried by the passenger or crewmember was allowed under 49 CFR 175.10 and requests a plain-language description.<sup>33</sup> DOT’s internal review recommended these fields to help PHMSA and FAA identify prohibited items commonly brought aboard and target outreach.

A “Cargo” response to Q\*24 routes filers to Part 5, which requests shipping-paper information. “Passenger Baggage” routes them through Q\*25 and Q\*26 and then to Part 6, bypassing Part 5 because baggage may have no shipping paper.

Q\*21 corresponds to Q40, with the additional options described in section IV. Section VI provides the crosswalk.

#### *E. New Form: Part 5—Shipment Information*

Part 5 retains the shipping-paper or waybill identifier (Q\*27), origin (Q\*30), and destination (Q\*31), corresponding to Q11–Q13. Country fields are added for origin, destination, shipper, and carrier to accommodate non-U.S. locations. Approximately 2 percent of reports from 2010–2023 identified a non-U.S. shipper or shipment origin.<sup>34</sup> To reduce burden, PHMSA could require country only for non-U.S. entries or prefill “U.S.” as the default.

Checkboxes copy information to avoid repeat entry: “Shipper/Offendor same as Reporter” (Q\*28), “Same as Shipper/Offendor Address” (Q\*30), and “Carrier/Transporter same as Reporter” (Q\*31). Filers can instead enter different addresses when these relationships do

not apply. The checkboxes are intended to reduce burden.

Q\*29 adds a direct shipper contact who knows the shipment and pre-transportation functions. Section IV’s Part VIII discussion explains the investigative purpose and expectation that reporting carriers can provide a name, telephone number, and email. When the shipper is the reporter, Q\*7 already supplies its main contact. DOT’s internal review recommended ensuring investigators can reach both shipper and carrier directly.

Section VI maps the remaining Part 5 fields to the current form.

#### *F. New Form: Part 6—Hazardous Material Information*

Part 6 carries forward Q14–Q23 and Q30: UN/NA ID (Q\*33), proper shipping name (Q\*34), technical trade name where applicable (Q\*35), hazard class (Q\*36), packing group (Q\*37), undeclared shipment (Q\*38), TIH (Q\*39), hazardous waste (Q\*40), and release quantity (Q\*41). Section IV explains revisions to the existing fields.

Q\*38 adds the definition of “undeclared hazardous material” to the form.<sup>35</sup> If the shipment was not undeclared, the filer is asked whether it was misdeclared and to describe suspected errors in shipping papers, labels, markings, or placards. “Misdeclared” is not defined in § 171.8; the form explains it for this collection. Misdeclaration alone does not trigger reporting under § 171.16, so a misdeclared shipment without a release may not require a report. PHMSA solicits comment.

Q\*41 combines the release questions discussed under Q19 and Q30: an explicit Yes/No release indicator, quantity as a point estimate or range, and a dedicated unit-of-measure dropdown. A range may reduce burden when a precise estimate is unavailable.

Q\*41 also gives release duration its own field, replacing the request within the current Part VI narrative instructions. Duration can inform risk assessment and investigation of exposure affecting the public, environment, transportation workers, and responders. PHMSA solicits comment.

Section VI provides the Part 6 crosswalk.

#### *G. New Form: Part 7—Radioactive Materials (RAM)*

Part 7 (Q\*42) retains Q29’s RAM fields unchanged and groups them separately so filers with non-RAM incidents can bypass them. Internal

<sup>33</sup> 49 CFR 175.10.

<sup>34</sup> PHMSA, *Hazardous Materials Incident Report Search Tool* (last accessed Sept. 12, 2024), available at: <https://www.phmsa.dot.gov/hazmat-program-management-data-and-statistics/data-operations/incident-statistics>. Query the incident data by the following field: Date of Incident = 01/01/2010 to 12/31/2023. Deduplicate the resulting rows/records using the Report Number field, as a single incident (each uniquely identified by the Report Number) can have multiple records. Aggregate the number of distinct reports where the value for Shipper\_Country or Origin\_Country is not the U.S. and is not blank. Divide this count of distinct non-U.S. shipper/origin incidents by the total number of incidents. Approximately 1.8% of incidents indicate a non-U.S. shipper and approximately 0.2% of incidents show a non-U.S. origin.

<sup>35</sup> 49 CFR 171.8.

<sup>32</sup> *FAA Reauthorization Act of 2024*, Public Law 118–63 (May 16, 2024), available at: <https://www.congress.gov/bills/118th-congress/house-bill/3935/text>.

review identified no need to revise the individual questions. PHMSA solicits comment.

#### *H. New Form: Part 8—Packaging Information*

Part 8 reorganizes Q24–Q28. Section IV, Part III, explains the non-bulk packaging categories and nurse-tank option in Q\*43, consolidation of construction-material fields, and other changes to existing packaging questions.

Q\*48 adds “Does this Outer Packaging meet UN or DOT specification?” and requests the type of the most recent testing or requalification and the test laboratory or provider. Specification packaging is subject to applicable testing requirements in 49 CFR parts 178 and 180.<sup>36</sup> Non-specification packaging does not have testing prescribed under the HMR. The new fields give context to “Last Test Date,” which otherwise leaves the test type and applicability unclear.

Approximately 75 percent of 2013–2022 reports involving tank cars lacked a meaningful last-test date.<sup>37</sup> Ambiguity may contribute to missing responses. The new fields may add burden but could make sparse testing information more useful. PHMSA solicits comment.

Knowing what testing occurred, when, and by whom can support failure investigations and safety advisories. PHMSA may need to examine test results when packaging passes required tests but fails in service. Testing addresses design and manufacture and, where required, continuing qualification and maintenance. PHMSA specifies

testing standards and oversees providers; the additional information could inform outreach, policy, regulations, testing practices, or program oversight.

Q\*53 adds a rail-only Non-Accident Release (NAR) cause-code question. PHMSA understands that Appendix B of the Association of American Railroads’ Non-Accident Release Risk Index publication specifies tank-car NAR cause codes.<sup>38</sup> These releases warrant attention because a derailment or collision does not explain the packaging failure. PHMSA seeks comment on adding these codes and other rail-only information.

Q\*51 retains Q25’s failure codes. Section IV explains the revised structure, and section VI supplies the crosswalk.

#### *I. New Form: Part 9—Outcomes of the Incident*

Part 9 carries forward Part IV’s questions on hazardous-material fatalities and injuries, other incident fatalities, transportation closures, evacuations, crashes or derailments, and monetary damages above \$500. Section IV explains the individual changes.

Q31’s emergency-response and cleanup content is divided between Part 1 and Part 9.

Q\*61 places environmental remediation and cleanup in Part 9. Section IV’s Q31 discussion explains the Yes/No question, the in-house and other-cleanup choices, the request for contracted companies’ names, and the routing after each response.

Fire/EMS and Police response information moves to Q\*5 in Part 1, with new fields for department names to support follow-up. This separates emergency response from environmental remediation.

Section VI maps the remaining Part 9 fields, including Q\*60 to current Q32.

#### *J. New Form: Part 10—Description of Events and Actions Taken To Prevent Recurrence*

Part 10 combines the incident narrative and recurrence-prevention fields from current Parts VI and VII, with the revised instructions discussed in section IV. It also adds a separate feedback field: “Please describe any issues you encountered while completing this form. Please provide suggestions on how to improve the form or your experience completing and submitting the report.”

Feedback collected during filing could inform continuing improvements, including from filers unable to comment during formal notice periods. PHMSA requests renewal of information collection 2137–0039 every three years and may seek comments and OMB approval for revisions more often. The feedback field would provide additional input for those efforts. Suggestions may also be sent to [PhmsaHAZMATICS@dot.gov](mailto:PhmsaHAZMATICS@dot.gov).

#### **VI. Crosswalk Between the Current Form and Proposed Form**

This table shows the corresponding data elements of the current and proposed form.

| Data element description                                                                                                 | Current form—part | Current form—question (Q) No. | New form—part | New form—question No. |
|--------------------------------------------------------------------------------------------------------------------------|-------------------|-------------------------------|---------------|-----------------------|
| Report Type—Reason for the Report .....                                                                                  | I .....           | Q1 .....                      | 1             | Q*1 and Q*2.          |
| Report Type—Indication of whether the report is an initial report .....                                                  | I .....           | Q2 .....                      | 1             | Q*3.                  |
| Date of Incident .....                                                                                                   | II .....          | Q3 .....                      | 3             | Q*11.                 |
| Time of Incident .....                                                                                                   | II .....          | Q4 .....                      | 3             | Q*12.                 |
| NRC Report Number (if applicable) .....                                                                                  | II .....          | Q5 .....                      | 1             | Q*4.                  |
| Other Federal DOT Reports (if applicable) .....                                                                          | II .....          | Q6 .....                      | 1             | Q*6.                  |
| Location of Incident .....                                                                                               | II .....          | Q7 .....                      | 3             | Q*13.                 |
| Mode of Transportation .....                                                                                             | II .....          | Q8 .....                      | 3             | Q*14.                 |
| Transportation Phase .....                                                                                               | II .....          | Q9 .....                      | 3             | Q*16.                 |
| Carrier/Reporter ( <i>i.e.</i> , Name, Address, DOT ID Number, and Hazardous Materials Registration Number) .....        | II .....          | Q10 .....                     | 2 (and 5)     | Q*8 (and Q*31).       |
| Shipper/Officer ( <i>i.e.</i> , Name, Address, Shipping Paper Number, and Hazardous Materials Registration Number) ..... | II .....          | Q11 .....                     | 5             | Q*28.                 |
| Origin .....                                                                                                             | II .....          | Q12 .....                     | 5             | Q*30.                 |
| Destination .....                                                                                                        | II .....          | Q13 .....                     | 5             | Q*32.                 |

<sup>36</sup> 49 CFR part 178 includes testing requirements for UN performance-oriented packaging. See subpart M—Testing of Non-bulk Packagings and Packages and subpart O—Testing of IBCs. Part 180 includes testing requirements for cylinders (subpart C), Cargo Tanks (subpart E), Tank Cars (subpart F), and Portable Tanks (subpart G), as well as additional testing requirements for IBCs (subpart D).

<sup>37</sup> PHMSA, *Hazardous Materials Incident Report Search Tool*, available at: [https://](https://www.phmsa.dot.gov/hazmat-program-management-data-and-statistics/data-operations/incident-statistics)

[www.phmsa.dot.gov/hazmat-program-management-data-and-statistics/data-operations/incident-statistics](https://www.phmsa.dot.gov/hazmat-program-management-data-and-statistics/data-operations/incident-statistics). Query the incident data by the following fields: Date of Incident = 01/01/2013 to 12/31/2022, Mode of Transportation = “Rail”. Deduplicate the resulting rows/records using the Report Number field, as a single incident (each uniquely identified by the Report Number) can have multiple records. Aggregate the number of distinct reports where the variable, Cont1.Package.Last.Test.Date, is equal to “0–00–00 00:00:00” and divide the count by the

number of distinct reports. PHMSA found 3304 records with Cont1.Package.Last.Test.Date=“0–00–00 00:00:00” among 4424 distinct reports; 3304/4424 = 0.7468 or approximately 75%.

<sup>38</sup> Association of American Railroads, Hazardous Materials (BOE) Working Committee, *The Non-Accident Release Risk Index (NARRI) Revision 6* (Oct. 23, 2002, updated Aug. 1, 2014), available at: <https://www.aar.org/wp-content/uploads/2017/12/AAR-2002-NARRI-BOE.pdf>.

| Data element description                                                                               | Current form—part | Current form—question (Q) No. | New form—part | New form—question No.                      |
|--------------------------------------------------------------------------------------------------------|-------------------|-------------------------------|---------------|--------------------------------------------|
| Proper Shipping Name of the Material .....                                                             | II .....          | Q14 .....                     | 6             | Q*34.                                      |
| Technical Trade Name (if applicable) .....                                                             | II .....          | Q15 .....                     | 6             | Q*35.                                      |
| Hazard Class/Division .....                                                                            | II .....          | Q16 .....                     | 6             | Q*36.                                      |
| UN/NA Identification Number .....                                                                      | II .....          | Q17 .....                     | 6             | Q*33.                                      |
| Packing Group (if applicable) .....                                                                    | II .....          | Q18 .....                     | 6             | Q*37.                                      |
| Quantity Released .....                                                                                | II .....          | Q19 .....                     | 6             | Q*41.                                      |
| Hazardous Waste (Yes/No) and EPA Uniform Waste Manifest Number. ....                                   | II .....          | Q20 .....                     | 6             | Q*40.                                      |
| Toxic by Inhalation (Yes/No) and Hazard Zone .....                                                     | II .....          | Q21 .....                     | 6             | Q*39.                                      |
| Special Permit (SP) or Approval (Yes/No) and SP or Approval Number. ....                               | II .....          | Q22 .....                     | 3             | Q*18.                                      |
| Undeclared Hazardous Material .....                                                                    | II .....          | Q23 .....                     | 6             | Q*38.                                      |
| Packaging Type .....                                                                                   | III .....         | Q24 .....                     | 8             | Q*43.                                      |
| Failure Codes .....                                                                                    | III .....         | Q25 .....                     | 8             | Q*51.                                      |
| Specification Packaging Markings .....                                                                 | III .....         | Q26a .....                    | 8             | Q*48.                                      |
| Non-Bulk, IBC, or Non-Specification: Packaging Type, Material of Construction, Head Type (drums). .... | III .....         | Q26b .....                    | 8             | Q*44–Q*45 (and Q*50 for inner packaging).  |
| Package Capacity and Quantity .....                                                                    | III .....         | Q27 .....                     | 8             | Q*46, Q*49 (and Q*50 for inner packaging). |
| Packaging Manufacturer, Date of Manufacture, and Serial Number. ....                                   | III .....         | Q28 .....                     | 8             | Q*47.                                      |
| Packaging Last Test Date .....                                                                         | III .....         | Q28 .....                     | 8             | Q*48.                                      |
| Material of Construction (if Tank Car, CTMV, Portable Tank, or Cylinder). ....                         | III .....         | Q28 .....                     | 8             | Q*45.                                      |
| Design Pressure and Shell Thickness (if Tank Car, CTMV, or Portable Tank). ....                        | III .....         | Q28 .....                     | 8             | Q*52.                                      |
| Head Thickness (if Tank Car, CTMV) .....                                                               | III .....         | Q28 .....                     | 8             | Q*52.                                      |
| Service Pressure (if Cylinder) .....                                                                   | III .....         | Q28 .....                     | 8             | Q*52.                                      |
| Pressure Relief Valve or Device: Type, Manufacturer, and Model. ....                                   | III .....         | Q28 .....                     | 8             | Q*52.                                      |
| Radioactive Materials .....                                                                            | III .....         | Q29 .....                     | 7             | Q*42.                                      |
| Result of Incident .....                                                                               | IV .....          | Q30 .....                     | 6             | Q*41.                                      |
| Emergency Response (Fire/EMS, Police, and In-house/Other Cleanup). ....                                | IV .....          | Q31 .....                     | 9             | Q*5, Q*61.                                 |
| Damages .....                                                                                          | IV .....          | Q32 .....                     | 9             | Q*60.                                      |
| Hazardous Materials Fatalities .....                                                                   | IV .....          | Q33a .....                    | 9             | Q*54.                                      |
| Non-Hazardous Materials Fatalities .....                                                               | IV .....          | Q33b .....                    | 9             | Q*55.                                      |
| Hazardous Materials Injuries .....                                                                     | IV .....          | Q34 .....                     | 9             | Q*56.                                      |
| Evacuation .....                                                                                       | IV .....          | Q35 .....                     | 9             | Q*59.                                      |
| Closure of Major Transportation Artery .....                                                           | IV .....          | Q36 .....                     | 9             | Q*58.                                      |
| Crash or Derailment, Speed, Weather Conditions .....                                                   | IV .....          | Q37 .....                     | 9             | Q*57.                                      |
| Passenger Aircraft .....                                                                               | V .....           | Q38 .....                     | 4             | Q*23.                                      |
| Cargo Shipment or Passenger Baggage .....                                                              | V .....           | Q38 .....                     | 4             | Q*24.                                      |
| Description of Air Incident Location .....                                                             | V .....           | Q39 .....                     | 4             | Q*20.                                      |
| Hazardous Materials by Air Transportation Phases .....                                                 | V .....           | Q40 .....                     | 4             | Q*21.                                      |
| Description of Events and Package Failure .....                                                        | VI .....          | Not numbered/<br>Free text.   | 10            | Not numbered/<br>Free text.                |
| Recommendations/Actions Taken to Prevent Recurrence .....                                              | VII .....         | Not numbered/<br>Free text.   | 10            | Not numbered/<br>Free text.                |
| Contact Information .....                                                                              | VIII .....        | Not numbered .....            | 2             | Q*7 (reporter) and Q*29 (shipper).         |

## VII. Burden Estimates for Information Collection 2137–0039

### A. Current Form—Burden Estimates

The following estimates come from the supporting statement for the current

information collection, 2137–0039.<sup>39</sup>

<sup>39</sup> OMB, Office of Information and Regulatory Affairs, *Information Collection Request Documents: Burden Calculations* (June 22, 2023), available at: [https://www.reginfo.gov/public/do/PRAViewDocument?ref\\_nbr=202306-2137-002](https://www.reginfo.gov/public/do/PRAViewDocument?ref_nbr=202306-2137-002).

Supporting documents are available through <https://www.reginfo.gov/public/do/PRASearch> using that number. Figures may be rounded for readability.

| Information collection            | Respondents<br>[A] | Total annual<br>responses<br>[B] | Hours per<br>response<br>[C] | Total annual<br>burden hours<br>[B * C] |
|-----------------------------------|--------------------|----------------------------------|------------------------------|-----------------------------------------|
| Telephone Notifications .....     | 180                | 716                              | .08                          | 57                                      |
| Incident Reports— Paper .....     | 172                | 2,888                            | 1.6                          | 4,621                                   |
| Incident Reports—Electronic ..... | 166                | 19,720                           | .8                           | 15,776                                  |
| Total .....                       | 518                | 23,324                           | (*)                          | 20,454                                  |

\*The current estimates are 96 minutes (1.6 hours) for a paper report, 48 minutes (0.8 hours) for a HAZMATICS submission (<https://portal.phmsa.dot.gov>), and approximately 5 minutes (0.08 hour) for an NRC telephone notification (1-800-424-8802).

#### Annual Reporting and Recordkeeping Burden:

*Affected Public:* Shippers and carriers of hazardous materials.

*Number of Respondents:* 518.

*Total Annual Responses:* 23,324.

*Total Annual Burden Hours:* 20,454.

*Frequency of Collection:* On occasion.

This notice does not change the NRC telephone-notification requirement or the information collected by telephone. When § 171.15 applies, the person in physical possession of the material must notify the NRC “as soon as practicable

but no later than 12 hours after the occurrence of the incident.”

The proposed changes concern the written incident report, DOT Form 5800.1, under §§ 171.15 and 171.16.

#### B. New Form—Burden Estimates

Under Executive Order 14192, PHMSA characterizes the proposed revision as a net deregulatory action, reducing average filer burden from 0.9 to 0.38 hours and saving industry approximately \$400,000 annually.

The new form adds discrete fields but is designed to reduce completion time by replacing vague, open-ended, or irrelevant questions with specific choices and routing filers past inapplicable sections. For example, for a lithium battery thermal runaway in a carry-on bag aboard an aircraft, the current form requires irrelevant bill-of-lading numbers, manifest details, or release quantities. The new form bypasses those sections and asks three questions specific to battery incidents on aircraft.

| Information collection              | Respondents<br>[A] | Total annual<br>responses<br>[B] | Hours per<br>response<br>[C] | Total annual<br>burden hours<br>[B * C] |
|-------------------------------------|--------------------|----------------------------------|------------------------------|-----------------------------------------|
| Telephone Notifications .....       | 180                | 716                              | 0.08                         | 57                                      |
| Incident Reports (Electronic) ..... | 331                | 22,156                           | 0.38                         | 8,419                                   |
| Incident Reports (Paper) .....      | 7                  | 452                              | 1.6                          | 723                                     |
| Total .....                         | 518                | 23,324                           | .....                        | 9,200                                   |

#### Annual Reporting and Recordkeeping Burden:

*Affected Public:* Shippers and carriers of hazardous materials.

*Number of Respondents:* 518.

*Total Annual Responses:* 23,324.

*Total Annual Burden Hours:* 9,200.

*Frequency of Collection:* On occasion.

PHMSA derived the 0.38-hour electronic-filing estimate from internal SME testing with filers of varying technical expertise and validated it against system log-session metadata. PHMSA considers it a conservative upper-bound estimate because those metrics treat all electronic submissions as manual web interactions, although large entities with established incident databases transmit a substantial share through automated XML batches without filing burden. PHMSA retained the prior 1.6-hour paper-filing estimate without retesting because only 2 percent of filers use paper. PHMSA expects that share to continue declining and paper filings to have a nominal effect on overall burden.

PHMSA invites comments on the proposed form and burden estimates through the two-stage process described in the Overview and will revise them as

warranted before submitting the request to OMB.

#### VIII. Specific Questions and Topics for Public Comment

Review by DOT modal administrations, USCG, and OHMS staff identified the following topics for public comment. Some questions are repeated here to bring the requests together.

1. Carriers submit most reports because they typically possess the material when an incident occurs. Shippers may know more about its classification, packaging, and other shipment characteristics. Communication between them may therefore improve report quality.

a. Should the hazardous materials carrier be required under the HMR to notify the shipper when their shipment is involved in an incident? In practice, do hazardous materials carriers regularly and voluntarily notify the shipper that their shipment was involved in an incident? Anecdotally, PHMSA staff have heard of shippers that are not aware of incidents involving their shipment. How would the

regulated industry address this issue in a cost-effective manner?

b. The proposed form asks reporting carriers whether they notified the shipper. PHMSA believes this may indicate whether the parties worked together on the report. In your opinion, is this new question a positive change?

c. In what ways can PHMSA encourage hazardous materials carriers and shippers to work together to ensure that information about an incident is accurate and complete?

2. UAS operations are increasing in number and complexity. Although 14 CFR 107.36 prohibits small UAS from carrying hazardous material, operators may petition FAA for exemptions, including for medical-supply delivery.<sup>40</sup> Prohibited operations can still produce reportable incidents, and HMR incident and discrepancy reporting requirements

<sup>40</sup> FAA—2021-0050-0001. Available at: <https://www.regulations.gov/document/FAA-2021-0050-0001>. Pursuant to 14 CFR part 11, Zipline International Inc. (“Zipline,” “we,” or “us”) respectfully submits this petition requesting a limited exemption from 14 CFR 107.36 to enable it to carry hazardous materials in support of the development of a cold storage container capable of transporting the COVID-19 vaccine by our unmanned aircraft system . . .

apply to UAS operators as to other air operators. The proposed form includes a UAS question (Q\*19) for consideration.

a. Should the DOT Form 5800.1 include question(s) about whether a hazardous materials incident involved UAS? Why or why not?

b. If yes, what other information about UAS incidents (e.g., method of delivery) should be included on DOT Form 5800.1?

3. In addition to UAS, autonomous or remotely operated vehicles may be used in the future to transport certain hazardous materials in other modes of transportation.

a. Should the hazardous materials incident report form indicate whether a hazardous materials shipment involved an autonomous vehicle or remotely operated vehicle? Why or why not?

b. If yes, what information should be collected with respect to autonomous or remotely operated vehicles involved in a hazardous materials incident?

4. As reflected in the incident data, incidents involving lithium batteries have increased in recent years. They continue to pose heightened safety risks in commercial hazardous materials transportation.

a. What fields should be added to the DOT Form 5800.1 to understand better the nature and consequences of transportation incidents involving lithium batteries?

b. What are the benefits of adding the fields and the burden or costs of filling them out? Do benefits outweigh the costs?

c. Will this new information be reasonably available to the hazardous materials carrier, who is typically the responsible party for reporting the incident?

d. Is this data already collected elsewhere, by a different organization as part of a different data collection?

e. Is PHMSA's DOT Form 5800.1 the best instrument for collecting this new information about lithium battery transportation incidents?

5. What questions, fields, or choices on the current form should be revised or clarified? In your opinion, which revisions or clarifications should be the highest priority to address? Which changes are simply editorial in nature?

6. What questions, fields, or choices on the current form should be removed? Why? What is the trade-off involved in their removal? This trade-off weighs the benefit of the data currently collected versus the burden or cost of collection.

7. What questions, fields, or choices should be added to the form? Why? What is the benefit of adding them? What will be the added burden or cost to collect this new information, especially to filers of DOT Form 5800.1?

8. PHMSA estimates 96 minutes (1.6 hours) for both the current and proposed PDF forms, compared with 48 minutes (0.8 hours) for current

electronic filing and 22.8 minutes (0.38 hours) for the proposed electronic version.

a. Are PHMSA's preliminary estimates reasonable for the new form?

b. What specific changes to the new form are most burdensome?

c. What specific changes to the new form save the most time and relieve the most burden?

d. In your opinion, how long will it take on average to fill out and submit the new PDF form?

9. The PDF demonstrates the proposed collection changes; HAZMATICS and XML reporting would also be updated to reflect them.

a. What challenges have you faced in reporting incidents using the HAZMATICS portal? What improvements do you recommend for this portal?

b. What challenges have you faced in reporting incidents via XML data submission? What improvements do you recommend for XML data submission?

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**William Quade,**

*Associate Administrator of Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.*

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