

# MICHIGAN DEPARTMENT OF TRANSPORTATION

## FREQUENTLY ASKED QUESTIONS

Issued: January 31, 2014

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### PROPOSED CHANGES TO NON-RADIOACTIVE HAZARDOUS MATERIALS ROUTING DESIGNATIONS

Wayne County, Michigan

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**1. What is the Michigan Department of Transportation's (MDOT) role in considering a change to existing non-radioactive hazardous material (NRHM) routes?**

MDOT is the authorized agency in Michigan responsible for ensuring NRHM routing designations, restrictions and requirements comply with the federal routing standards and state law. This authorization includes a request to consider a change to the existing NRHM routes.

**2. Who can request a change to the existing NRHM routes in Michigan?**

Only transportation system infrastructure owners in the State of Michigan can request a change to the existing routes.

**3. Why is MDOT considering a change to the existing routes?**

In November of 2008, MDOT received a formal request from the Ambassador Bridge to modify the current restrictions. The current restrictions on the Ambassador Bridge were "grandfathered in" in 1995. In July of 2010, MDOT received an additional request from the same owner to include escort vehicles.

**4. What steps did MDOT take to consider a change to the existing routes?**

- ✓ Commissioned a study focused on the four Wayne County NRHM routes
- ✓ Reviewed the findings highlighted in the study
- ✓ Conferred with industry experts and other stakeholders regarding the findings
- ✓ Developed a synopsis report with proposed recommendations
- ✓ Collaborated with stakeholders
- ✓ Sought public comments and conducted a public hearing for public outreach
- ✓ Considered comments and conducted additional analysis
- ✓ Made final decision

**5. What are the federal standards when considering a change to existing routing designations (49 CFR 397.71)?**

Federal routing standards for considering a change to NRHM routing designations include, among others, enhancement of public safety, public participation, consultation with others, through routing, agreement of other states (where applicable) and burden on commerce, timeliness, reasonable routes to terminals and other facilities, responsibility for local compliance, and 13 additional factors which include, among others, population density, type of highway, types and quantities of NRHM, emergency response capabilities, results of consultation with affected persons, exposure and other risk factors, terrain considerations, continuity of routes, alternative routes, effects on commerce, delays in transportation, climatic conditions, and congestion and accident history.

**6. Did MDOT collaborate with stakeholders when considering a change?**

Stakeholders were contacted during the study process and after the synopsis report was issued.

**7. Did MDOT provide for public participation before making a final recommendation?**

MDOT made the synopsis report with proposed recommendations available for public review at public libraries and other designated locations in Wayne County and published a legal notice of the release of the report in newspapers of general circulation in Wayne County. The legal notice included notification to the public of the right to submit written comments on the proposed changes through January 31, 2013.

**8. Did MDOT conduct a public hearing on the proposed changes?**

After reviewing the written public comments received, MDOT held a public hearing on the proposed changes. The public hearing was held on April 25, 2013 in Detroit and the public was allowed the opportunity to submit comments at the hearing.

**9. Did MDOT extend the date for written public comments to be submitted?**

The deadline for written public comments was extended through May 27, 2013.

**10. Did MDOT evaluate public participation more thoroughly after the public comment period ended?**

Yes. Many concerns and issues were raised by the public and evaluated more thoroughly by MDOT, particularly with concern to proposed changes affecting the Ambassador Bridge, some of which are listed herein.

### **11. What are the public safety considerations?**

Enhancement to public safety is a federal standard that applies when considering a change and there are 13 factors to consider (see FAQ 5). These considerations include, but are not limited to:

- Transportation infrastructure, such as the physical width, height, elevation of the actual road or bridge and the nearby terrain;
- Emergency response capabilities, delays in transportation, congestions and accident history;
- Assessment of exposure such as population density or special populations, types and quantities of NRHM, and impacts upon commerce; and
- Through highway routing, which must ensure continuity of movement to enhance public safety.

### **12. What are the emergency response capabilities?**

Different agencies have different roles when providing emergency response to a spill or release. Transportation and environmental response agencies, such as United States Coast Guard, United States Environmental Protection Agency, and Michigan Department of Environmental Quality (MDEQ), report adequate response capabilities but also systematically look for reduction in risk. The Coast Guard publishes its ability to respond to incidents in all their districts, including the Ninth District, Sector Detroit.

All four NRHM routes in Wayne County are located within the City of Detroit. The Department of Homeland Security and Emergency Management for the City of Detroit reported the City would respond to a NRHM incident with a hazardous materials unit along with additional fire companies/services that may be needed depending on what was reported. City of Detroit police and emergency medical services would also respond as needed, and additional resources would be requested as needed. The City has provided training and conducted testing related to this type of incident.

Local level response capabilities may vary by specific location but state and federal response would likely remain the same regardless of where a spill might occur.

### **13. What are exposure and other risk factors near the Ambassador Bridge?**

Exposure and other risk factors were analyzed in the synopsis report. The distance to sensitive areas (such as homes, schools and water sources) was also considered, based upon information gathered from the public comments. The risk of exposure from an incident at a specific point could be increased due to an elevated level of transporting certain materials without secondary containment. The risk of a spill occurring in the Detroit River would likely not change as the material will be traversing the waterway at some point regardless.

**14. What is the effect of a NRHM spill?**

Hazardous chemicals are characterized by their flammability, corrosivity, reactivity, or toxicity. Some chemicals may exhibit one or more of these characteristics at the same time. The effect could vary based on the characteristics of the chemical.

**15. What is the role of the Michigan Department of Environmental Quality if a spill occurs?**

Their role is to provide technical support to the incident command during an event, as well as mitigation and recovery efforts after the initial incident.

**16. Are there other means or alternative routes (unrestricted alternatives) for transporting NRHM in Wayne County?**

Yes. In addition to the bridges and transportation infrastructure, the Detroit-Windsor Truck Ferry provides a means to move NRHM across the Detroit River. This alternative method has been available for many years.

**17. How did the federal standard of through routing affect MDOT's final decision as to the Ambassador Bridge?**

Section 397.71(b)(4) of the federal standards requires MDOT ensure through highway routing for the transportation of NRHM between adjacent areas and a finding that the routing designation enhances public safety. Section (b)(4)(iii) additionally states if the current route has the same or less risk to the public than the deviation resulting from the proposed routing designation, then the routing designation shall not be allowed. MDOT has determined, after additional technical analysis and review of information gathered from the public comments, that the proposed through routing and recommended restrictions for the Ambassador Bridge route (which crosses the Detroit River) represents a neutral or no net change in risk reduction overall. Therefore, consistent with these standards, MDOT's final decision is that the current route for the Ambassador Bridge remains unchanged.

**18. Were escort vehicles considered for the Ambassador Bridge?**

A request for escort or accompanying vehicles was analyzed as part of the process to consider a change. As indicated in the synopsis report, escort vehicles could provide an acceptable alternative to restricting certain hazardous materials through the use of protective measures. However, concerns were voiced during the public participation step of the process regarding the escorting process and the added volume of trucks carrying NRHM in the area of the Ambassador Bridge and the nearby community. Additional considerations include the location of trucks in queue waiting for available escorts, the location or staging area of trucks waiting to cross the bridge with escort vehicles, and the potential

delays or wait times on the structure as escorts tend to slow the movement of traffic. Based on these added considerations, MDOT did not include a provision for escort vehicles in the final decision.

**19. Does authority for NRHM routing extend beyond the international border?**

No. The routing designations for Wayne County end at the Wayne County borders and the international border with Canada. Any restrictions on segments of road outside of the State of Michigan jurisdiction or boundaries will be under the authority of that governmental entity. Canada determines its own standards and regulations for NRHM routing.

**20. What is the role of the Federal Motor Carrier Safety Administration (FMCSA) in NRHM routing?**

The FMCSA was established as a separate administration within the U.S. Department of Transportation on January 1, 2000, pursuant to the Motor Carrier Safety Improvement Act of 1999. Among other things, the FMCSA enforces the Hazardous Materials Regulations, which are designed to ensure the safe and secure transportation of hazardous materials. These rules address the classification of hazardous materials, proper packaging, employee training, hazard communication, and operational requirements. MDOT will provide information identifying, dating, and describing the final decision on recommended changes to the NRHM routes in Wayne County to the FMCSA. The FMCSA will then make this information available through publication in the Federal Register.

**21. Who is responsible for enforcing routing restrictions?**

The Michigan State Police, including the Commercial Vehicle Enforcement Division, and/or local police authorities.

**22. Who makes the final decision on the recommended changes?**

MDOT is the authorized agency in Michigan responsible for NRHM routing designations, restrictions, and requirements. MDOT makes the final decision on the recommended changes.

**23. When does the final decision take effect?**

The new restrictions based on the final decision will take effect April 2, 2014.

**24. What is the final decision MDOT is submitting to the Federal Motor Carrier Safety Administration?**

After evaluating the public comments received both in writing and at the public hearing held April 25, 2013, MDOT is changing its proposed recommendation and issuing a final decision as indicated below:

Name of Existing Route	Current Restrictions	Proposed Recommended Restrictions* from Synopsis Report (December 2012)	Final Decision – Restrictions*† Effective April 2, 2014
Ambassador Bridge [Detroit] from Porter Street to Canada [Windsor]	Classes 1, 3, 7 and 8.	Restrict Class 1. Require escort(s) for Classes 2-6.1 and 8-9; subject to further restrictions.  *Partial Class and Other Regulations Apply (see note below)	Restrict Classes 1, 3, 6.2*†, 7*† and 8.  *Partial Class and Other Regulations Apply (see note below)
Windsor Tunnel [Detroit] from Jefferson Avenue to Canada [Windsor]	Classes 1, 3, 7 and 8.	Restrict all classes. Prohibit all placarded vehicles.  *Other Regulations Apply (see note below)	Restrict all classes. Prohibit all placarded vehicles.  *Other Regulations Apply (see note below)
M-10 [Lodge Freeway] from Howard Street to Woodward Avenue [under Cobo Hall (approximately 1 mile)]	Classes 1 and 3.	Restrict all classes. Prohibit all placarded vehicles.  *Other Regulations Apply (see note below)	Restrict all classes. Prohibit all placarded vehicles.  *Other Regulations Apply (see note below)
M-10 [Lodge Freeway] from 8 Mile Road (South) to Wyoming Road	Classes 1 and 3.	Restrict Classes 1, 2, 3, 5, 6 and 8.  *Other Regulations Apply (see note below)	Restrict Classes 1, 2, 3, 5, 6 and 8.  *Other Regulations Apply (see note below)

To summarize, the final decision maintains the current existing restrictions for the Ambassador Bridge (Classes 1, 3, 7 and 8) with an added restriction of Class 6.2\*†. Escorting on the Ambassador Bridge was considered and analyzed but not implemented. All classes are now restricted on the Windsor Tunnel and M-10 from Howard Street to Woodward Avenue\*†. As to M-10 from 8 Mile Road to Wyoming Road, Classes 2, 5, 6 and 8 were added to the current existing restrictions of Classes 1 and 3\*†. The new restrictions enhance overall public safety and are in the best interest of the State of Michigan, more specifically Wayne County.

**NOTE:** \*For Partial Class and Other Regulations Apply, there were no recommendations in the synopsis report with respect to transportation of Class 6.2 (Infectious Substance) or Class 7 (Radioactive Materials) as they have other regulations that apply. Generally, the transportation of Class 6.2 and Class 7 material is rigorously controlled and subject to strict restrictions. †The final decision restricts Class 6.2 for all routes and Class 7 for all routes except M-10 from 8 Mile Road to Wyoming Road.