



U.S. Department
of Transportation

1200 New Jersey Avenue, SE
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety
Administration**

SEP 19 2013

Christina Kurtz
Manager of Regulations and Packaging
Health, Environment, and Safety
Arkema
900 First Ave.
Building #2
King of Prussia, PA 19406-1308

Ref. No. 13-0055

Dear Ms. Kurtz:

This responds to your February 25, 2013 e-mail to the Hazardous Materials Information Center (HMIC) requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to tank car loading and unloading. I apologize for the delay in responding and any delay it may have caused. Specifically, you ask when the pre-loading and pre-unloading functions prescribed in § 173.31(g)(1), (g)(2), and (g)(3) must be fulfilled, prior to actual loading or unloading, or at the time of tank car placement at the site where it will eventually be loaded or unloaded. Additionally, you ask if it is the carrier's or consignee's responsibility to perform the pre-unloading functions prescribed in § 173.31(g)(1), (g)(2), and (g)(3) at the time the tank car is placed at the unloading site by the carrier.

The underlying requirement in § 173.31(g)(1), (g)(2), and (g)(3) of the HMR is that adequate protection and warning be given to train and engine crews operating within a shipper or consignee facility, such as posting warning signs, setting hand brakes, and blocking the wheels of hazardous materials tank cars placed for loading and unloading. Further, the Federal Railroad Administration (FRA) and PHMSA want to assure that, at the point of physical interface between the general system of rail transportation and the facility rail system, rail crews do not make inappropriate assumptions about the status of a particular rail car or series of rail cars and attempt to move cars that are attached to facility storage tanks or manufacturing processes, thereby endangering rail crew safety or adversely affecting movement along the general system of rail transportation. Such functions must be completed prior to the actual loading or unloading of the tank car by either the consignor or consignee, as appropriate. Additionally, these requirements apply whether or not the carrier is present during the loading or unloading operation.

To summarize, these requirements are not necessarily the result of a tank car being loaded or unloaded incidental to movement but rather it's because the unloading of a tank car has the potential to affect the safety of rail carrier personnel. Although it's not explicitly stated in the

HMR, the protection of facility operators is a natural outcome of compliance with 173.31(g). Once the tank car(s) is accepted by the consignor or consignee (which could also be considered placement for loading or unloading), the consignor or consignee must implement measures that prevent entrance to the track on which the cars are standing, display warning signs, and prevent the cars from moving.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,



fn
T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Stevens
§173.31(g)
Tank Cars

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Tuesday, February 26, 2013 5:10 PM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: §173.31 Use of tank cars

13-0055

Hi Carolyn,

This caller asked for her e-mail to be forwarded as a formal letter of interpretation.

Thanks,
Victoria

From: Christina KURTZ [<mailto:christina.kurtz@arkema.com>]
Sent: Monday, February 25, 2013 3:54 PM
To: INFOCNTR (PHMSA)
Subject: §173.31 Use of tank cars

§173.31 Use of tank cars

(g) *Tank car loading and unloading.* When placed for loading or unloading and before unsecuring any closure, a tank car must be protected against movement or coupling as follows:

Dear Sir/Madam:

Arkema Inc. is seeking clarification of the wording "placed for loading or unloading and before unsecuring any closure"

Question:

At what point does §173.31(g)(1)-(3) actually become effective? When physical unloading of the car actually begins or when the car is placed at the unloading site, regardless if unloading doesn't take place until days later?

If the answer is "at the time the car has been placed at the unloading site," would it be the carrier's responsibility if they are the ones who place the car to the site where unloading would eventually take place?

Regards,

Christina KURTZ

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