



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

May 2, 2024

Jennifer Fletcher  
Director, Transportation Compliance  
Veolia North America  
1 Eden Lane  
Flanders, NJ 07836

Reference No. 24-0006

Dear Ms. Fletcher:

This letter is in response to your January 18, 2024, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) as it relates to the Fixing America's Surface Transportation Act of 2015 (FAST Act; P. Law 114-94, Section 7304) phase-out<sup>1</sup> of DOT Specification 111 tank cars in flammable liquid service. In your email, you note that both the FAST Act and the HMR have a phase-out date for Packing Group (PG) II / III Class 3 flammable liquids; however, the HMR does not include a phase-out date for dual-hazard Class 3, PG II materials assigned § 173.243 for authorized packaging. Specifically, you ask for clarification regarding the appropriate phase-out date for the dual-hazard material "UN2924, Flammable liquids, corrosive, n.o.s., 3, PG II."

The applicable phase-out date for transporting DOT-111 tank cars containing Class 3, PG II dual-hazard materials is May 1, 2029, which is the phase-out date required by the FAST Act, and is consistent with the phase-out dates in packaging sections §§ 173.241 and 173.242 assigned to other Class 3, PG II and III materials. We appreciate you bringing this matter to our attention and acknowledge the May 1, 2029, phase-out date is not currently referenced in the bulk packaging section of the HMR that applies to dual-hazard materials. PHMSA plans to address this in a future rulemaking.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

Dirk Der Kinderen  
Chief, Standards Development Branch  
Standards and Rulemaking Division

---

<sup>1</sup> PHMSA adopted the phase-out deadlines in the HM-251C final rule (81 FR 53935; Aug. 15, 2016). See <https://www.govinfo.gov/content/pkg/FR-2016-08-15/pdf/2016-19406.pdf>

**From:** [INFOCNTR \(PHMSA\)](#)  
**To:** [Dodd, Alice \(PHMSA\)](#)  
**Cc:** [Hazmat Interps](#)  
**Subject:** FW: Request for Written Letter of Interpretation  
**Date:** Monday, January 22, 2024 10:38:22 AM  
**Attachments:** [Transitional Date for Continued Use of DOT 111 Tank Cars for Class 3 PG II Material \(VNA\).pdf](#)

---

Hi Alice,

Please see the attached interpretation request. Let us know if you need anything.

Sincerely,  
Janaye

---

**From:** Fletcher, Jennifer <jennifer.fletcher@veolia.com>  
**Sent:** Thursday, January 18, 2024 3:21 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>; Kelley, Shane (PHMSA) <shane.kelley@dot.gov>  
**Cc:** Tom Baker <tom.baker@veolia.com>  
**Subject:** Request for Written Letter of Interpretation

**CAUTION:** This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, please see the attached request from Veolia for a written letter of interpretation requesting clarification on the continued use of DOT 111 tank cars containing Class 3, packing group II material.

Please feel free to contact me if you have any questions.

Thank you,

**Jennifer Fletcher**  
*Director, Transportation Compliance  
Technical and Performance  
VEOLIA NORTH AMERICA*

*cell*  
*+1 862 432 9778*

*1 Eden Lane, Flanders NJ 07836*  
[jennifer.fletcher@veolia.com](mailto:jennifer.fletcher@veolia.com)  
[www.veolianorthamerica.com](http://www.veolianorthamerica.com)

[Check out the Veolia Transportation Compliance Page on One to One!](#)







January 18, 2024

Mr. Shane Kelley  
Director, Standards and Rulemaking Division  
U.S. DOT/PHMSA (PHH-10)  
1200 New Jersey Avenue, SE East Building, 2nd Floor  
Washington, DC 20590

**RE: Request For Interpretation Regarding The Transitional Compliance Date For The Continued Use of DOT 111 Tank Cars Containing Class 3 Packing Group II Material**

To Whom It May Concern:

Please accept this letter as a request for a formal written interpretation from your office. Veolia requests guidance on the requirements in the Hazardous Materials Regulations (HMR) applicable to the transitional compliance date for the use of the DOT 111 tank cars (non-jacketed) for the shipment of the following hazardous materials:

**UN2924, Flammable Liquids, Corrosive, nos, 3, PG II**

According to the FAST Act for Flammable Liquids and Rail Tank cars (Final Rule 8/15/16 - <https://www.federalregister.gov/documents/2016/08/15/2016-19406/hazardous-materials-fast-act-requirements-for-flammable-liquids-and-rail-tank-cars>) Veolia understands that all PG II and III flammable materials, including dual hazard materials, will be permitted to be shipped in DOT 111 tank cars (Table 1 below from page 53936 of the FR), up to May 1, 2029, which is the phase-out deadline.

TABLE 1—COMPARISON OF HM-251 TANK CAR PHASE-OUT SCHEDULE VS. FAST ACT PHASE-OUT SCHEDULE [Tank cars in Class 3 flammable liquid service]		
Tank car type/service	HM-251 phase-out deadline <sup>4</sup>	FAST Act phase-out deadline <sup>5</sup>
Non-jacketed DOT-111s .....	PG I—January 1, 2018 <sup>6</sup> ..... PG II—May 1, 2023 ..... PG III—May 1, 2025 .....	Crude <sup>7</sup> —January 1, 2018 Ethanol—May 1, 2023 Flammable PG I—May 1, 2025 ** Flammable PG II/III—May 1, 2029 *
Jacketed DOT-111s .....	PG I—March 1, 2018 ..... PG II—May 1, 2023 ..... PG III—May 1, 2025 .....	Crude—March 1, 2018 Ethanol—May 1, 2023 Flammable PG I—May 1, 2025 ** Flammable PG II/III—May 1, 2029 *
Non-jacketed CPC-1232s .....	PG I—April 1, 2020 .....	Crude—April 1, 2020

<sup>1</sup> The HM-251 final rule defined an HHFT as a train comprised of 20 or more loaded tank cars of a Class 3 flammable liquid in a continuous block or 35 or more loaded tank cars of a Class 3 flammable liquid across the entire train.

<sup>2</sup> "DOT-117P" tank cars are newly manufactured tank cars or tank cars retrofitted to meet the performance criteria in § 179.202-12. "DOT-117R" tank cars are tank cars retrofitted to meet the retrofit standard in § 179.202-13.

<sup>3</sup> Packing Group (as defined in 49 CFR 171.8) is a grouping according to the degree of danger presented by hazardous materials. Packing Group I indicates great danger; Packing Group II, medium danger; Packing Group III, minor danger.

<sup>4</sup> Applies only to tank cars in an HHFT configuration.

<sup>5</sup> Applies to a single tank car containing the denoted commodity.

<sup>6</sup> If these cars are not retrofitted by January 1, 2017 the owners must file a report with the Department on the number of tank cars that they own that have been retrofitted and the number that have not yet been retrofitted.

<sup>7</sup> The FAST Act is applicable to "unrefined petroleum products in Class 3 flammable service, including crude oil." For the purposes of this phase out table, we use "Crude" for these materials.

**Veolia North America**  
1 Eden Lane, Flanders, NJ 07836  
tel. +1 862 432 9778 / jennifer.fletcher@veolia.com

[www.veolianorthamerica.com](http://www.veolianorthamerica.com)



However, when referencing the bulk packaging requirements in the 49 CFR § 172.101 Hazardous Materials Table for this hazardous material (as specified in 173.243 - bulk packaging requirements for high hazard liquids and dual hazard materials), the transitional compliance date is not clearly stated for dual hazard materials that are Class 3, PG II. This section only states the compliance date for Class 3, PG I materials as being May 1, 2025, and does not include a date for Class 3, PG II materials.

**§173.243 Bulk packaging for certain high hazard liquids and dual hazard materials which pose a moderate hazard.**

When § 172.101 of this subchapter specifies that a hazardous material be packaged under this section, only the following bulk packagings are authorized, subject to the requirements of subparts A and B of part 173 of this subchapter and the special provisions specified in column 7 of the § 172.101 table.

**(a) Rail cars:** Class DOT 103, 104, 105, 109, 111, 112, 114, 115, 117, or 120 fusion-welded tank car tanks; and Class 106 or 110 multi-unit tank car tanks. Additional operational requirements apply to high-hazard flammable trains (*see* § 171.8 of this subchapter) as prescribed in § 174.310 of this subchapter. Except as otherwise provided in this section, DOT Specification 111 tank cars and DOT Specification 111 tank cars built to the CPC-1232 industry standard are no longer authorized to transport Class 3 (flammable liquids) in Packing Group I, unless retrofitted to the DOT Specification 117R retrofit standards or the DOT Specification 117P performance standards provided in part 179, subpart D of this subchapter.

(1) DOT Specification 111 tank cars and DOT Specification 111 tank cars built to the CPC-1232 industry standard are no longer authorized for transport of Class 3 (flammable liquids) unless retrofitted prior to the dates corresponding to the specific material in the following table:

<b>Material</b>	<b>Jacketed or non-jacketed tank car</b>	<b>DOT-111 not authorized on or after</b>	<b>DOT-111 built to the CPC-1232 not authorized on or after</b>
Unrefined petroleum products	Non-jacketed	January 1, 2018	April 1, 2020.
	Jacketed	March 1, 2018	May 1, 2025.



Class 3, PG I (flammable liquid) other than unrefined petroleum products	Non-jacketed	May 1, 2025	May 1, 2025.
	Jacketed	May 1, 2025	May 1, 2025.

As a result, Veolia is asking for clarification as to the transitional compliance date for the continued use of the DOT 111 tank car for the shipment of a waste material classified as "UN2924, Flammable Liquids, Corrosive, nos, 3, PG II".

Sincerely,

*Jennifer Fletcher*

Jennifer Fletcher  
Director, Transportation Compliance  
Veolia North America