

From: [Nickels, Matthew \(PHMSA\)](#)
To: [Hazmat Interps](#)
Cc: [Baker, Yul \(PHMSA\)](#)
Subject: FW: G&W Railroads- Interpretation/Guidance Needed
Date: Friday, October 24, 2025 11:11:01
Attachments: [080077 - 48-hour rule..pdf](#)
Importance: High

Hey Yul, please process when everyone returns – email + attachment. Thank you!

Mr. Matthew B. Nickels

Acting Director, Standards & Rulemaking Division
Office of Hazardous Materials Safety
Pipeline and Hazardous Materials Safety Administration
U.S. Department of Transportation

From: Cary Hiles <cary.hiles@gwrr.com>
Sent: Friday, October 24, 2025 8:38 AM
To: Kelley, Shane (PHMSA) <shane.kelley@dot.gov>; Nickels, Matthew (PHMSA) <Matthew.Nickels@dot.gov>
Subject: G&W Railroads- Interpretation/Guidance Needed
Importance: High

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.

Hello,

We are seeking your guidance on how to interpret/comply with the requirement to place hazardous materials on non-private track in accordance with 49 CFR 171-174.

Specifically, if a railroad receives residue/empty railcars that are placarded and stores them on non-private track, will the railroad be in violation of 49 CFR 174.14? The railroad will have a written agreement from the customer whereby the customer represents that the cars are residue/empty cars. We have been informed that Section 174.14(a) does not apply to residue quantities in rail cars even though the regulation does not specify loaded or residue/empty. Further, Section I. General Information, part 3. Expediting Hazardous Material Shipments in the US Hazmat Instructions for Rail implies that the instructions are applicable to ‘loaded’ hazardous materials shipments, less “time sensitive” shipments. Additionally, we’re citing interpretation reference letter No. 08-0077 from November 21, 2009, which states “Section 174.14(a) does not apply to intermodal transfer operations, nor does it apply to highway shipments, or residue quantities.”

v/r

Cary Hiles

AVP of Environmental and Hazmat Safety

Genesee & Wyoming Railroad Services, Inc

13901 Sutton Park Drive S.

Jacksonville, FL 32224

Cell: 904-495-9973

cary.hiles@gwrr.com



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

NOV 21 2009

Mr. Bob Crump
Earth Tech, Incorporated
36133 Schoolcraft
Livonia, MI 48150

Ref. No. 08-0077

Dear Mr. Crump:

This responds to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether the requirement in § 174.14(a) of the HMR for rail carriers to forward shipments of hazardous materials within 48 hours applies to transloading operations.

The original intent of the 48-hour rule was two-fold: (1) it was intended to prevent shippers from sending out loaded tank cars of hazardous materials without a billed destination and (2) it also was designed to prevent rail carriers from delaying delivery so that other, higher-tariffed commodities could be moved ahead of these shipments. Section 174.14 is now applied to achieve a broader public safety and security goal – that is, to reduce time in transit of hazardous materials rail cars, thereby reducing the risk of accidents, incidents, vandalism, or other safety or security related problems.

For transloading operations from rail tank cars to cargo tank motor vehicles as described in your request, § 174.14(a) does not apply. The 48-hour rule is a forwarding regulation while the shipment is in transport and does not cover delivery. (Delivery requirements are outlined in § 174.16). Section 174.14 (a) does not apply to intermodal transfer operations nor does it apply to highway shipments, or residue quantities.

I hope this information is helpful. Please contact this office should you have additional questions.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

§ 174.14

Drakeford, Carolyn <PHMSA>

From: Drakeford, Carolyn <PHMSA>
Sent: Wednesday, October 22, 2008 10:14 AM
To: McIntyre, Joan <PHMSA>
Cc: Mitchell, Hattie <PHMSA>
Subject: FW: Applicability of 49 CFR 171.14

McIntyre
 § 171.1
 § 173.31
 § 174.14
 Rail
 08-0077

From: Crump, Bob [mailto:Bob.Crump@earthtech.com]
Sent: Wednesday, March 05, 2008 4:01 PM
To: INFOCNTR <PHMSA>
Subject: Applicability of 49 CFR 171.14

Info Center:

It seems very clear how storage incidental to transportation, defined in 49 CFR 171.1 applies to a transloading area. The materials are in transportation and therefore, EPA requirements do not apply. The material is regulated by DOT and must meet the requirements of §173.31 and §174.

What I have been unable to determine is how the 48 hour time limit noted under 49 CFR 174.14 might apply. I spoke with a gentleman on the Helpdesk line and he wasn't sure that provision was even being enforced. Because of the size difference between the rail car and tanker trucks, customer requirements (industry often doesn't have stationary tanks big enough to hold more than one truckload at a time), and other factors, it may be difficult to expedite a rail car to truck transload in 48 hours. Does this subsection apply to transloading, or have I missed something? If it does, why?

Regards,

Bob Crump, CHMM

Earth Tech, Inc.
 Detroit Office
 36133 Schoolcraft
 Livonia, MI 48150
 E-mail: Bob.Crump@Earthtech.com

Ph 734.779.2865 (New Number)
 Fx: 734.779.2860
 Cell 734.449.0530
 (free call from at&t mobility phones)

11/28/2008