



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

OCT 11 2018

1200 New Jersey Avenue, SE
Washington, DC 20590

David Rodgers
Environmental, Safety & Health Manager
INEOS Phenol
7770 Rangeline Road
Theodore, AL 36582

Reference No. 18-0032

Dear Mr. Rodgers:

This letter is in response to your February 28, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to tank car loading and unloading. Specifically, you describe a fenced-in rail loading facility that has a steel chain-link gate across the track and a blue sign (i.e., blue flag) indicating "Stop Men Working Ahead" and ask if it meets the intent of § 173.31(g).

The intent of § 173.31(g) is to provide a positive means of preventing rail equipment from attaching to or moving the rail cars when it is unsafe to do so. It is the opinion of this Office that the facility as described in your email would not meet the requirements of § 173.31(g) because a chain-link gate will not stop or divert the momentum of rail equipment and, thus, would not provide an equivalent level of safety to the methods described in § 173.31(g)(1).

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

Sincerely,

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

Wolcott
173.31(g)(1)
Paul
18-0032

January, Ikeya CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Thursday, March 01, 2018 12:03 PM
To: Hazmat Interps
Subject: FW: Request for letter of interpretation
Attachments: INEOS Letter 2-27-2018.pdf

Hello all,

Please see the attached letter of interpretation. I spoke to the requestor, and letters that have already been published did not satisfy their request.

Regards,

-Breanna

From: Rodgers, David [mailto:David.Rodgers@ineos.com]
Sent: Wednesday, February 28, 2018 8:11 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Request for letter of interpretation

Please see the attached letter.

Regards,

David Rodgers

INEOS Phenol

INEOS Phenol
A division of INEOS Americas LLC
7770 Rangeline Road
Theodore, AL 36582

Infocntr@dot.gov
U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration

RE: Request for written formal interpretation of 49 CFR 173.31(g)(1) Use of tank cars

To Whom It May Concern,

49 CFR 173.31(g)(1) states: "Each hazmat employee who is responsible for loading or unloading a tank car must secure access to the track to prevent entry by other rail equipment, including motorized services vehicles. Derails, lined and locked switches, portable bumper blocks or other equipment that provides an equivalent level of security may be used to satisfy this requirement".

The INEOS Phenol location in Theodore Alabama has a dedicated fenced- in rail loading facility with a gate across the track entering the fenced-in rail loading facility. This steel gate is kept closed at all times except when marshalling rail cars to and from the fenced-in rail loading facility. The gate contains a blue flagged sign indicating "Stop Men Working Ahead" for approaching other rail equipment outside the gated fence surrounding the loading facility.

INEOS Phenol is requesting a written interpretation that our blue flagged closed steel gate provides an equivalent level of security to satisfy the intent of 49 CFR 173.31(g)(1). If you should need any further information, please feel free to contact me by phone or email.

Sincerely,



David Rodgers
Environmental, Safety & Health Manager
INEOS Phenol
(251) 443-3115
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