



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

MAR 07 2019

Mr. Sid DeCell  
Global Companies, LLC  
2 Flynn Avenue  
Burlington, VT 05401

Reference No. 18-0037

Dear Mr. DeCell:

This letter is in response to your March 15, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the consignee for tank cars delivering Class 2 (gas) materials under § 174.204 or Class 3 (flammable liquid) materials under § 174.304.

We have paraphrased and answered your questions as follows:

- Q1. You ask if the facility that receives tank cars delivering Class 2 materials conforming with § 174.204 or Class 3 materials conforming with § 174.304 must be designated as the “consignee.”
- A1. The answer is yes. If the facility meets the definition of a “consignee” in § 171.8, then the facility is a consignee for the purpose of determining compliance with §§ 174.204 and 174.304. A consignee is defined as the person or place shown on a shipping document, package marking, or other media as the location to which a carrier is directed to transport a hazardous material (§ 171.8). Thus, if your facility is the location where the rail carrier is instructed to deliver the tank cars on the railroad waybill or other documentation, it meets the definition of a consignee. The HMR defines consignee but does not specifically state the consignee name must appear on a shipping document. The Surface Transportation Board prescribes what information must appear on bills of lading under 49 CFR Part 1035. For information on these requirements, you may wish to contact STB’s Office of Public Assistance, Governmental Affairs, and Compliance (OPAGAC) at 202-245-0238.
- Q2. You ask if the tank car must be consigned to the facility.
- A2. The answer is yes. A consignee of a tank car containing a hazardous material may be any “person,” as this word is defined in § 171.8, permitted to receive a tank car of hazardous material(s) in conformance with applicable federal, including the HMR, state, local, and tribal laws. For example, §§ 174.204 and 174.304 require tank cars that contain Class 2

and Class 3 materials, respectively, be delivered to facilities that permit these materials to be unloaded provided additional requirements are met. Provided your facility is the intended recipient of a tank car containing hazardous material, and the facility complies with the requirements mentioned earlier in this paragraph, then your facility may be entered as a consignee of this tank car on the shipping document or package markings or other media that contain the information required for its transport.

Q3. You ask if tank car receiving facilities comply with the HMR if each facility is only named as the destination and not the consignee on the shipping papers (i.e., bill of lading) for tank cars that contain either Division 2.1 (flammable gas) or Class 3 material.

A3. The answer is yes. For the purposes of compliance with the HMR, the rail receiving facility in your example is a consignee if it meets the definition of consignee in § 171.8. There may be multiple consignees for a shipment. The tank car receiving facility would be subject to the requirements of §§ 174.204 and 174.304.

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

Sincerely,

A handwritten signature in cursive script that reads "T. Glenn Foster". The signature is written in black ink and is positioned above the typed name.

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

Edmonson  
174.304; 174.204  
Rail  
18-0037

**January, Ikeya CTR (PHMSA)**

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**From:** INFOCNTR (PHMSA)  
**Sent:** Thursday, March 15, 2018 4:13 PM  
**To:** Hazmat Interps  
**Subject:** FW: Letter of interpretation on consignee or consigned

Hi Alice and Ikeya,

Below is a request for a letter of interpretation. Mr. DeCell spoke with Eugenio. Please let me know if you have any questions.

Thanks,  
Jodi

**From:** Sidney Decell [mailto:SDecell@globalp.com]  
**Sent:** Thursday, March 15, 2018 12:42 PM  
**To:** INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>  
**Subject:** Letter of interpretation on consignee or consigned

We are looking for clarification on 49 CFR 174.304 Class 3 flammable liquid and 174.204 Tank car delivery of gases. When receiving delivery of rail cars into our facilities does the receiving facility have to be the consignee? Does the rail car have to be consigned to the facility. Are receiving facilities in compliance if the facility is only named as the destination and not the consignee on the BOL for both class 3 flammable liquid and Class 2.1 gases. Mailing address below. Thank you

Sid DeCell  
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2 Flynn ave Burlington VT 05401  
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