



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

SEP 16 2019

James H. Rader
Greenbrier Management Services
1 Centerpointe Drive
Suite 200
Lake Oswego, Oregon 97035

Reference No. 19-0040

Dear Mr. Rader:

This letter is in response to your March 13, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the phase-out of Department of Transportation (DOT) Specification 111 (DOT-111) tank cars. Specifically, you ask whether DOT-111 tank cars may continue in combustible liquids service after the phase-out period in the United States.

The answer is yes. As you correctly point out in your email, the May 8, 2015 final rule states that "Existing HMR requirements for combustible liquids will not change as a result of this final rule." [80 FR 26676]. Therefore, a material classed or reclassified as a combustible liquid may continue to be transported in DOT-111 tank cars beyond the specified phase-out dates in the United States.

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

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From: Maday, Mark (FRA) [<mailto:mark.maday@dot.gov>]

Sent: Wednesday, March 13, 2019 11:03 AM

To: Rader, James <James.Rader@gbrx.com>

Cc: Keltz, Randy (FRA) <randy.keltz@dot.gov>; Kelley, Shane (PHMSA) <shane.kelley@dot.gov>; DerKinderen, Dirk (PHMSA) <Dirk.DerKinderen@dot.gov>; Ciccarone, Michael (PHMSA) <m.ciccarone@dot.gov>

Subject: RE: Combustible Liquids in Unit Trains

Jim,

While I'd be more than happy to answer this for you, I'm going to forward this onto PHMSA's Standards and Rulemaking division for the formal answer.

Respectfully,

Mark A. Maday

Staff Director

Hazardous Materials Division

Office of Technical Oversight

Federal Railroad Administration

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Email: mark.maday@dot.gov

From: Rader, James [<mailto:James.Rader@gbrx.com>]

Sent: Wednesday, March 13, 2019 11:44 AM

To: Maday, Mark (FRA) <mark.maday@dot.gov>; Keltz, Randy (FRA) <randy.keltz@dot.gov>

Subject: Combustible Liquids in Unit Trains

Mark and Randy:

Just seeking confirmation that the continued use of a DOT 111 or AAR 211 tank car is authorized for combustible liquid service in unit train operations indefinitely.

From the May 8, 2015 Final Rule:

"Existing HM requirements for combustible liquids will not change as a result of this final rule. Thus, except for those tank cars intended for combustible liquid service, after the established implementation timeline, any tank car used in a HHFT must meet or exceed the DOT Specification 117, 117P, or the 117R standard."

"In addition, we proposed to authorize the continued use of legacy DOT Specification 111 tank cars in combustible liquid service. The risks associated with flammable liquids, such as crude oil and ethanol, are greater than those of combustible liquids."

"In accordance with this action, Class 3 (Flammable liquids) are subject to the provisions contained in this final rule when shipped in a HHFT. Class 3 (Combustible liquids) are not subject to the provisions of the final rule (e.g., diesel fuel)."

From my reading of the rule and the preamble, materials re-classed as a combustible liquid in the United States are not subject to the HM-251 rulemaking. This would allow the continued use of a DOT 111 tank car or AAR 211 tank car in unit-train operations indefinitely. Canada does not recognize combustible liquids; hence, any product with a flash point below 140F is subject to the Canadian rule. Just wanted to verify that I did not overlook a regulation.

Jim

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