



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

January 19, 2023

Mike Tait
Director
AllTranstek, L.L.C.
1101 W. 31st Street, Suite 200
Downers Grove, IL 60515

Reference No. 22-0138

Dear Mr. Tait:

This letter is in response to your December 14, 2022, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the protection against shifting or coupling of tank cars placed for loading or unloading by blocking and setting of the hand brake(s). Specifically, you ask whether the use of the SCAMP® rail car indexer—mechanized equipment placed along rails to move trains one or more cars at a time—may be used instead of blocking at least one wheel on a tank car and setting the hand brake in accordance with the requirements in § 173.31(g)(3).

The answer is no. The requirements of § 173.31(g)(3) specifically require a person to block at least one wheel on the tank car against motion in both directions and the hand brake *must* (emphasis added) be set. There is no prohibition in the HMR on using additional means to prevent motion of the tank car—such as the use of the SCAMP® railcar indexer—but the use of this device alone does not satisfy the requirements of § 173.31(g)(3).

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Dirk Der Kinderen".

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

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#); [Hazmat Interps](#)
Subject: FW: Request for Interpretation, 49 CFR 173.31(g)(3)
Date: Friday, December 16, 2022 1:36:01 PM

Hi Alice and team,

Please see the LOI request below. Thank you!

Best,

Madison (HMIC)

From: Mike Tait <tait@alltranstek.com>
Sent: Wednesday, December 14, 2022 8:02 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Cc: Dave Ronzani <ronzani@alltranstek.com>
Subject: Request for Interpretation, 49 CFR 173.31(g)(3)

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U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration

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

Mr. Kelley,

We have a client that would like to request an interpretation as to the suitability of using a "railcar indexer" in lieu of setting the handbrake and blocking at least one wheel per the requirements of 49 CFR 173.31(g)(3). Please note, the requirements of 49 CFR 173.31(g) (1) and (2) will be met.

"(g)(3) At least one wheel on the tank car must be blocked against movement in both directions, and the hand brakes must be set. If multiple tank cars are coupled together, sufficient hand brakes must be set, and wheels blocked to prevent movement in both directions."

Per the manufacturer: SCAMP® railcar indexer, pusher dogs capture axle and maintains positive control in both forward & reverse directions.

As the equipment "maintains positive control in both directions" does this meet the intent of 49 CFR 173.31(g)(3)?

Thank you for your time and consideration.

Mike Tait

AllTranstek L.L.C.

Director, NDT and Special Processes

1101 W. 31st Street, Suite 200

Downers grove, IL 60515