



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

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

MAY 03 2013

Mr. Cary Krickeberg
Safety Manager
N & M Transfer Co., Inc.
630 Muttart Rd.
Neenah, WI 54956

Ref. No. 13-0044

Dear Mr. Krickeberg:

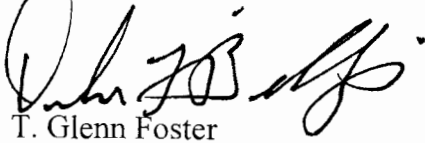
This responds to your February 8, 2013 e-mail to the Hazardous Material Information Center (HMIC) requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the proper securement of Department of Transportation (DOT) Specification 106A500 multi-unit tank car tanks in closed van-type trailers. You present a scenario where the tanks are partially secured within a skidded frame that appears to provide forward, aft, and lateral restraint. In addition, you provide a supporting photograph showing vertical restraint being provided by the use of tiedown straps. You ask for the meaning of the undefined terms “chocked” and “clamped” as they are used in § 177.834(m)(1) and whether the tanks depicted in your photograph are in compliance with the securement requirements prescribed in the HMR.

The terms “chocked” and “clamped” were codified in the HMR in 1970 (HM-14; 35 FR 1109) and remain undefined. However, any method utilized to prevent the skidded tanks from shifting in transportation is acceptable. For your information, the general requirements addressing protection of shifting cargo are found in the Federal Motor Carrier Safety Administration Regulations (49 CFR Parts 300-399), specifically under §§ 393.100 to 393.106. These requirements allow varied methods of securement, such as blocking with other freight, banding, or use of tie-downs or load-locks.

As depicted, the tanks appear adequately secured to the skid. Further, § 177.834(a) of the HMR provides that any package containing any hazardous material, not permanently attached to a motor vehicle, must be secured against shifting, including relative motion between packages, within the vehicle on which it is being transported, under conditions normally incident to transportation. Specific methods for securing packages in a motor vehicle are not provided in the HMR. However, varied methods, including the method you describe, along with tiedowns, using dunnage or other cargo, shoring bars, jack bars, or toe-boards would be acceptable to secure the skidded tanks from movement within the trailer.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "T. Glenn Foster".

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

Drakeford, Carolyn (PHMSA)

Stevens
§177.834(m)(1)
Loading / Unloading
13-0044

From: INFOCNTR (PHMSA)
Sent: Monday, February 11, 2013 9:12 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: SEEKING FORMAL LETTER OF INTERPRETATION / GUIDANCE ON 177.834(m)(1)
FROM: NM TRANSFER CO, INC., NEENAH, WI
Attachments: IMG_2922.jpg

Hi Carolyn,

We received the following request for a formal letter of interpretation.

Thanks,
Victoria

From: CARY S KRICKEBERG [<mailto:CKRICKEBERG@nmtransfer.com>]
Sent: Friday, February 08, 2013 4:56 PM
To: INFOCNTR (PHMSA)
Subject: RE: SEEKING FORMAL LETTER OF INTERPRETATION / GUIDANCE ON 177.834(m)(1) FROM: NM TRANSFER CO, INC., NEENAH, WI

Attn: Hazmat info Center:

Please provide a formal letter of interpretation. My company is currently hauling hazardous materials in DOT 106A500 multi-unit tank car tanks in closed van trailers. At the present time we are strapping them to the inside walls of our trailers. We believe that this prevents the shifting and relative motion concern indicated in 177.834(a). However, **does paragraph (m)(1) listed below limit these tanks to be specifically "chocked or clamped within the inside of the van? Can you also define chocking and clamping? I have attached a photo of this kind of tank.**

§177.834 General requirements. (m) Tanks constructed and maintained in compliance with Spec. 106A or 110A (§§179.300, 179.301 of this subchapter) that are authorized for the shipment of hazardous materials by highway in part 173 of this subchapter must be carried in accordance with the following requirements:

(m)(1) Tanks must be securely chocked or clamped on vehicles to prevent any shifting.

<<IMG_2922.jpg>>

Cary Krickeberg "C.K."
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