



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

NOV 15 2013

Mr. Lawrence W. Bierlein  
Attorney at Law  
1101 30<sup>th</sup> Street, N.W., Suite 500  
Washington, D.C. 20007

Ref. No. 13-0172

Dear Mr. Bierlein:

This is in response to your e-mail requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR 171-180) applicable to the marking of tank cars. Section 179.22 requires that tank cars be marked in accordance with Appendix C of the Association of American Railroads (AAR) Specifications for Tank Cars (M-1002). Appendix C of AAR M-1002 requires that markings be stenciled on the tank car sides and ends. In your e-mail, you describe a scenario where a tank car is stenciled with required markings on both sides/ends and the top and ask if the redundant top marking is required to be maintained.

The answer is yes. Although the top marking is not required and is therefore redundant, any visible marking must be in accordance with the HMR. We recommend you cover or remove any additional markings not consistent with the required markings prescribed by the HMR.

I trust this information is helpful. Please contact us if you require further assistance.

Sincerely,

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

Stevens  
§179.22(a)  
Tank Cars

**Drakeford, Carolyn (PHMSA)**

13-0172

**From:** Supko, Ben (PHMSA)  
**Sent:** Monday, August 19, 2013 2:45 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: AAR tank car markings

Carolyn,

Did Kurt send you this and request and interp?

Thank you,

Ben

**From:** Eichenlaub, Kurt (FRA) **On Behalf Of** HMASSIST (FRA)  
**Sent:** Wednesday, July 31, 2013 3:41 PM  
**To:** Supko, Ben (PHMSA)  
**Subject:** FW: AAR tank car markings

This should probably be a request for interpretation right? Sounds like he's fishing for something.

**Kurt Eichenlaub**  
**Railroad Safety Specialist (Hazardous Materials)**  
**Federal Railroad Administration**  
**Office of Safety (W35-212)**  
**1200 New Jersey Avenue, SE**  
**Washington, DC 20590**  
**202-493-6050 (Office)**

**From:** Lawrence W. Bierlein [<mailto:larry@hazmat-lawyer.com>]  
**Sent:** Wednesday, July 24, 2013 4:19 PM  
**To:** HMASSIST (FRA)  
**Subject:** AAR tank car markings

49 CFR 179.22(a) requires tank cars to be marked in accordance with AAR Specifications M-1002, Appendix C. M-1002, Appendix C, Sec. 3.3.4.2 requires stenciling of reporting marks on the car sides and ends. The option is given to stencil on the top of the car. If the car has reporting marks on the sides/ends, and on the top, i.e., redundant marks, does FRA require the optional top mark to be maintained? The side/end marks are maintained.

Lawrence W. Bierlein  
Attorney at Law  
1101 30th Street, N.W., Suite 500  
Washington, D.C. 20007  
Telephone 202-625-8355  
[larry@hazmat-lawyer.com](mailto:larry@hazmat-lawyer.com)  
[www.hazmat-lawyer.com](http://www.hazmat-lawyer.com)

*Please note my contact information has changed.*