



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

MAY 4 1998

Ms. Vickie M. Wheeler  
Amoco Chemicals  
Chemical Feedstocks Business Group  
Post Office Box 5206  
Lisle, Illinois 60532

Dear Ms. Wheeler:

This is in response to your letter of March 13, 1998, requesting clarification of shipping paper requirements for rail (§ 174.24) in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You question whether shipping papers would be required when moving a railcar containing hazardous materials on a spur that crosses "Amoco Road," a county road.

The answer is yes. Section 171.1 discusses the purpose and scope of the HMR and specifically states that they apply to "The offering of hazardous materials for transportation and transportation of hazardous materials in interstate, intrastate, and foreign commerce by rail car, aircraft, motor vehicle, and vessel (except as delegated at § 1.46(t) of this title), (except that until October 1, 1998, this subchapter applies to intrastate carriers by motor vehicle only in so far as this subchapter relates to hazardous waste, hazardous substances, flammable cryogenic liquids in portable tanks and cargo tanks, and marine pollutants)." In your situation, you are offering and transporting a hazardous material in commerce. Therefore, you may not accept or transport a hazardous material by rail unless you receive a shipping paper that properly conveys the information required by part 172 of the HMR (§ 174.24).

I hope this answers your inquiry. If you need additional assistance, do not hesitate to contact us.

Sincerely,

Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards



BAH  
File # 777.1

**Amoco Chemicals  
Chemical Feedstocks Business Group  
Transportation and Distribution**

801 Warrenville Road  
Post Office Box 5206  
Lisle Illinois 60532

March 13, 1998

Delmer Billings  
Chief of Regulations Development (DHM-11)  
U. S. Department of Transportation/RSPA  
400 7th Street S. W.  
Washington, DC 20590

Interpretation of Shipping Paper Requirements for Rail

Amoco Chemicals (Amoco) is requesting an interpretation of the regulation in 49 CFR 172.24 as it relates to an operational situation at its Joliet Chemical Plant in Joliet, Illinois. The regulation states:

"A person may not accept or transport a hazardous material by rail unless that person receives a shipping paper that properly conveys the information required by part 172 of this subchapter."

The Joliet Chemical Plant is located on the south side of a local county road (Amoco Road). This road separates the Amoco facility from the Huntsman Chemical facility (Huntsman) on the north side. Approximately one-quarter mile west of these facilities is a spur off of the CSX Railroad's main line. This spur ends on Amoco property. An Amoco locomotive is used to move railcars within the Joliet facility. Occasionally, the locomotive is used to move styrene railcars across Amoco Road to be spotted at Huntsman.

On October 12, 1997, Mr. E. E. Lucas, USDOT/FRA Hazardous Material Inspector, conducted an inspection of the Joliet Plant. The issue of moving railcars containing hazardous materials across a county road was posed to Mr. Lucas. He responded by phone to this inquiry and stated that he believed shipping papers were not necessary. He suggested that Amoco confirm his thoughts with Department of Transportation personnel in Washington, D.C.

Amoco is requesting written confirmation of Mr. Lucas' interpretation that shipping papers are not necessary for the movement of styrene railcars across Amoco Road. You may forward your response to the above address and to my attention.

Interpretation of Shipping Paper Requirements for Rail

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Please contact me at 630/434-6325 if you require any additional information about this request. Thank you for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Vickie M. Wheeler". The signature is written in black ink and is positioned above the typed name.

Vickie M. Wheeler  
Hazardous Materials Specialist