



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

MAR 20 2007

Mr. Kevin M. Greene
Hazardous Materials
Distribution Consultant
DuPont Global Logistics
P.O. Box 525
Axis, Alabama 36505

Ref. No. 06-0198

Dear Mr. Greene:

This responds to your letter requesting clarification of the tank car loading and unloading signage requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask whether caution signs placed either on the tracks or tank cars as specified in § 174.67(a)(4) would satisfy the requirement in § 173.31(g)(2) that specifies that caution signs must be placed between the rails.

The answer to your question is yes. We did not intend to restrict placement of caution signs in § 173.31(g). You may place caution signs on the track or the tank car to satisfy the requirements in § 173.31(g)(2). The underlying requirement in both sections of the HMR is that adequate warning be given to persons operating equipment that might, if it struck the end of a car being loaded or unloaded, cause personal injury. Placing caution signs between the rails does not preclude placing them on the car; "between the rails" is commonly understood among railroaders to mean anywhere within the vertical plane of the gauge of the track. As a general rule, the usual way to comply with either paragraph is to place a derail on the track between the car and the open end of the track and to have a sign hanging on a pole extending upward from the derail that



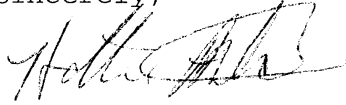
060198

173.31(g)
174.67(a)(4)

serves as the caution sign. We will correct the inconsistency of the language in § 173.31(g)(2) in a future rulemaking.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Aug. 29. 2006 5:35AM dupont

Nc. 0424 P. 1

Aug. 4. 2006 12:11AM dupont

No. 0407 P. 1

Stevens
§ 173.31(g)(2)
§ 174.67(a)(4)
Tank Car Unloading
06-0198

DuPont Global Logistics
P.O. Box 525
Axis, Alabama 36504



DuPont Global Logistics

August 2, 2006

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/PHMSA (PHH-10)
400 7th Street S.W.
Washington, DC 20590-0001

Request for interpretation concerning the placement of caution signs prior to tank car loading and unloading.

Dear Mr. Mazzullo:

Specifically, I request clarification of 173.31(g)(2) and 174.67(a)(4) as revised under Docket HM223 (68 FR 61906; October 30, 2003). Prior to HM223, placement of caution signs were addressed in 174.67(a)(3) and read "Caution signs must be so placed on the track or cars to give necessary warning to persons approaching the cars from the open end of a siding and must be left up until after the cars are unloaded and disconnected from the discharge connection". Post HM223, caution sign placement is addressed in 173.31(g)(2) and 174.67(a)(4). The wording in 173.31(g)(2) reads " Caution signs must be placed between the rails to give necessary warning to persons approaching the car(s) from the open end of a siding and must be left up until after all closures are secured and the cars are in proper condition for transportation". Additionally, 174.67(a)(4) reads " The unloader must place caution signs on the track or on the tank car to warn persons approaching the cars from the open end of the track that a tank car is connected to unloading equipment".

With that said, when performing tank car load and unloading under 173.31(g)(2), if the caution signs are placed on the track or on the tank car to warn persons approaching the cars from the open end of the track that a tank car is connected to unloading equipment, has the loader or unloader satisfied the requirement in 173.31(g)(2) for caution sign placement or must the caution sign be placed between the rails?

I hope this information is helpful. Please contact me if you require additional assistance.

A handwritten signature in cursive script, appearing to read "Kevin M. Greene".

Kevin M. Greene
Hazardous Materials Distribution Consultant
DuPont Global Logistics
P.O. Box 525
Axis, Alabama 36505
Phone: (251) 679.5330
Fax: (302) 355.2888
Kevin.m.greene@usa.dupont.com