



U.S. Department  
of Transportation

1200 New Jersey Avenue SE  
Washington, DC 20590

**Pipeline and Hazardous  
Materials Safety  
Administration**

**AUG 24 2011**

Mr. Mark Ellery  
Quality Assurance and Research Manager  
The Jet Companies  
125 North 53<sup>rd</sup> Avenue  
Phoenix, AZ 85043

Reference No. 11-0106

Dear Mr. Ellery:

This is in response to your April 28, 2011 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to shipping papers, (also known as bills of lading,) for transloaded hazardous material shipments. In your letter, you state that Diamond Trucking, a local common carrier, transloads fuel (e.g., biodiesel, ultra-low sulfur diesel (ULSD), and ethanol) from railcars directly into its tank motor vehicles and delivers the fuel to the final destination that appears on the original shipping paper, a local motor fuel terminal. You also state the property where the product is off-loaded, the Phoenix Tank Farm Complex motor fuel distribution hub, and the terminal where the product is delivered are, both owned by the Railjet Company. You ask whether new shipping papers must be generated before transloaded shipments are entered into transportation.

The answer is no. The HMR defines transloading as the transfer of a hazardous material from one packaging to another for the purpose of continuing the movement of the hazardous material in commerce (see § 171.8). To meet the definition for "transloading," the hazardous material must clearly be consigned to the facility at which the transloading operation is to occur for the sole purpose of transferring the hazardous material to or from a bulk packaging. However, the original shipping document must include information that the shipment is a through-shipment to an identified final destination. In other words, the ultimate destination of the hazardous material must be known at the time that the material is delivered to the facility and that destination must be indicated on the shipping documentation accompanying the shipment. (See page 20029, of the final rule issued under Docket No. PHMSA-98-4952; HM-223; 70 FR 20018, 4/15/2005.)

I hope this satisfies your request.

Sincerely,

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

Edmonson  
\$174.304  
\$174.67

**Drakeford, Carolyn (PHMSA)**

**From:** INFOCNTR (PHMSA)  
**Sent:** Thursday, April 28, 2011 1:41 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: Request for Written Interpretation

Rail/Tank Cars  
11-0106

Hi Carolyn,

We received the following request for a letter of interpretation at the HMIC.

Thanks,  
Victoria

Victoria Lehman  
Hazmat Information Center (HMIC)  
<http://phmsa.dot.gov/hazmat/info-center>  
(202) 366-1035

**From:** Mark Ellery [<mailto:mark@caljet.com>]  
**Sent:** Thursday, April 28, 2011 12:19 PM  
**To:** PHMSA HM InfoCenter  
**Cc:** Jaydee Bullard  
**Subject:** Request for Written Interpretation

Dear Sir or Madam,

I recently communicated with the U.S. DOT PHMSA to discuss, and to get clarification on, a question relating to the generation of Bills of Lading (BOL's) for products (Biodiesel, ULSD, and Ethanol) that are trans-loaded from railcars to tank trucks at one of our properties. The PHMSA representative (Adam) was very helpful, and guided me to a "PHMSA Response Letter" (in response to a request for interpretation), identified as "Ref. No. 08-0288", which addressed a situation similar in nature to ours.

While the operations referenced within that response letter were similar in nature to ours, the response did not specifically address the issue of whether or not a BOL needed to be generated prior to transport of trans-loaded product, which is my specific question; therefore, Adam suggested that I submit this *request for written interpretation* to your office for more clarification of that issue, and as it relates to our specific operation.

That said, I will briefly summarize our trans-loading operations, and follow that summary with my specific question:

The property in question is located in Phoenix, Arizona, and is a part of the Phoenix Tank Farm Complex (Arizona's primary motor fuel distribution hub). The company that owns this property is "Railjet". Upon that property lays a rail spur, consisting of four off-load spots, and served by the Union Pacific Railroad (UPR). Railjet owns only the property, the spur track, and track agreements with UPR. Railjet does not own the railcars that are spotted, nor does it own the products delivered in those railcars. Trans-loading of these products, from the railcars to the tank trucks at the Railjet facility, is performed by Diamond Trucking (DT), which is a local common carrier. The products are trans-loaded and transported by DT to the product's final destination, which is a local motor fuel terminal that is also a part of the Phoenix Tank Farm Complex.

Currently, the BOL's that accompany each railcar, and which clearly identify the consignee, the shipper, the product's owner, final destination, applicable hazardous information, volumes, etc., are used by DT, in addition to manifest documentation generated by DT, to transport the products from Railjet to the final destination.

The specific question that I am seeking interpretation on, as it relates to applicable regulations, is “Does Railjet, or any another party, need to generate an additional BOL for each truck that trans-loads product at Railjet, for delivery to the product’s final destination, or is the BOL that accompanies each railcar, and the manifest documentation provided by DT, sufficient documentation for DT to transport the product’s to their final destination?”

I greatly appreciate any clarification that you may be able to provide.

Respectfully,

*Marta Ellery*

Quality Assurance and Research Manager

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