



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

NOV 15 2012

Dr. Alex von Keitz
ARTA Group, Inc.
4801 Woodway Dr. 300E
Houston, TX 77056

Ref. No.: 12-0164

Dear Dr. Alex von Keitz:

This responds to your July 30, 2012 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the cargo tank attendance requirements. Specifically, you ask whether a qualified person supervising the loading or unloading of a cargo tank by video surveillance satisfies the HMR provided a breakaway coupling is installed that can either be activated by a pull force (passive) or remotely by an actuator (active)?

Generally, the answer is no. As specified in § 177.834(i)(3), except for unloading operations subject to §§177.837(d), 177.840(p), and 177.840(q), a qualified person “attends” the loading or unloading of a cargo tank if, throughout the process, he is alert and is within 7.62 m (25 feet) of the cargo tank. Additionally, the qualified person attending the unloading of a cargo tank must have an unobstructed view of the cargo tank and delivery hose to the maximum extent practicable during the unloading operation.

The Pipeline and Hazardous Materials Safety Administration does not consider the use of electronic monitoring equipment, even when combined with breakaway couplings, as meeting the specific requirements contained in § 177.834. Therefore, electronic attendance during cargo tank unloading is authorized only by special permit. You may contact our Approvals and Permits Division at (202) 366-4535 for more information.

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

Sincerely,

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

Drakeford, Carolyn (PHMSA)

Nickels
§ 177.834
Loading & Unloading
12-0164

From: Foster, Glenn (PHMSA)
Sent: Monday, August 06, 2012 12:39 PM
To: Drakeford, Carolyn (PHMSA)
Cc: Betts, Charles (PHMSA); Benedict, Robert (PHMSA); Billings, Delmer (PHMSA); Kelley, Shane (PHMSA); Pfund, Duane (PHMSA); Supko, Ben (PHMSA)
Subject: FW: presence requirement DOT HM-225A

From: avkeitz@arta-us.com [<mailto:avkeitz@arta-us.com>]
Sent: Monday, July 30, 2012 2:20 PM
To: ann.mazzullo@dot.gov
Cc: Nicklous, Joseph (PHMSA); Alexy, Karl (FRA)
Subject: presence requirement DOT HM-225A

Ann

Hope my email finds you well. I am coming back to our conversation during my visit at DOT dating back 3 years.

I seek clarification on the requirements in 49 CFR Parts 173, 177, 178, 180 [Docket No. RSPA-97-2718 (**HM-225A**)] RIN 2137-AD07 but not a special permit.

Section 177.834(i)(2) of the HMR states that ``a motor carrier who transports hazardous materials by cargo tank must ensure that the cargo tank is attended by a qualified person at all times during unloading.''

Section 177.834(i)(3) states that ``a person `attends' the loading or unloading of a cargo tank if, throughout the process, he is awake, has an unobstructed view of the cargo tank, and is within 7.62 meters (25 feet) of the cargo tank.''

Question: Does a qualified person, supervising the (un)loading process of liquefied gas by video surveillance, satisfy the requirement of section 177.834(i)(2) of the HMR provided a breakaway coupling is installed that can either be activated by a pull force (passive) or remotely by an actuator (active)?

In this day and age you do not want the physical presence of an operator within 7.62m (25 ft) from a cargo tank. Instead, you want to keep the people out of harms way and today's automation of video surveillance combined with active (remote control) and passive (trigger by pull) allows you to do just that.

An emergency breakaway coupling covers both, active and passive intervention without exposing operators to a potentially harmful chemical.

The Chlorine Institute has addressed the issue in the newest update of Pamphlet 57 - see attached literature.

Kind regards,

Alex

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