



U.S. Department
of Transportation
Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

FEB 13 2009

Mr. Jaime Herrera
President
Flash DOT Compliance Services
11501 Cedar Oak Avenue
El Paso, TX 79936

Ref. No. 08-0215

Dear Mr. Herrera:

This responds to your August 18, 2008 letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to cargo tank motor vehicles (CTMVs) in other than metered delivery service. Specifically, you ask if the emergency discharge control requirement in § 173.315(n)(2) applies to a CTMV that is loaded and unloaded using facility hoses equipped with "Smart Hose" technology. We apologize for the delay in responding and regret any inconvenience you may have encountered.

According to your letter, your company only loads liquid propane gas at "Smart Hose" technology-equipped refineries in the United States and never unloads until the shipment arrives in Mexico at storage depots equipped with the same "Smart Hose" technology. Additionally, the cargo tank is loaded and unloaded by trained plant personnel.

The answer to your question is yes. In accordance with § 178.337-11(a), an MC 331 CTMV must be equipped with emergency discharge control equipment as specified by product and service in § 173.315(n). Paragraph (n)(2) of § 173.315 specifies that a CTMV used to transport Division 2.1 materials, such as propane, in other than metered delivery service must be equipped with a means to automatically shut off the flow of product without the need for human intervention within 20 seconds of an unintentional release caused by a complete separation of a liquid delivery hose (passive shut-down capability). Emergency discharge control equipment meeting these requirements must be installed on the CTMV even if a facility-provided hose is used for all loading and unloading operations.

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

Sincerely,

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



FLASH DOT Services

Edmonson
§173.315(n)(2)
Applicability
08-0215

US DOT Carrier Compliance

11501 Cedar Oak Ave, El Paso, Texas 79936 Phone Tel (915) 590-1400 Fax (915)629-9085

August 18, 2008

Mr. Edward T. Mazzullo

US DOT / PHMSA (PHH-10)

1200 New Jersey Avenue, SE East Building, 2nd Floor

Washington, DC 20590

Phone (800) 467-4922

Dear Mr. Mazullo:

Please let us know your interpretation of the following regulation and your advice in reference to the particular circumstances of our operation:

Section: 173.315(n)(2)	Date: 08/15/2008	Source/Ref. No:
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Q. Concerning the requirement of automatic shut off devices for MC-331 tanks in other than metered service, does the requirement apply to a trucking operation which only loads Liquid Propane Gas at Smart hose technology equipped refineries in the USA and never unloads until it arrives in Mexico to storage depots equipped with the same Smart Hose Technology?

Additional background information:

MC-331 tanks never get loaded or unloaded by the driver. Tanks are only loaded in the USA at Smart Hose equipped refineries with trained personnel and do not deliver anywhere or get handled in the USA. The untouched loaded tanks cross into Mexico and then at a Smart Hose equipped storage depot they get unloaded by trained plant personnel. Neither the driver or anybody else but the refinery or plant gets involved in the loading or unloading process.

If we are required to purchase this technology, we will never use it because the refinery will use their systems and ours will be just stored.

Please feel free to contact me at the following phone number (915)590-1400.

Thank you.

Jaime Herrera

President / Flash DOT Services