



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue SE
Washington, DC 20590

FEB 18 2015

Mr. Bryan Slagle
Port of Tucson
6964 E. Century Park Dr.
Tucson, AZ 85756

Reference No. 14-0206

Dear Mr. Slagle:

This is in response to your October 24, 2014 emails requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) relating to tank car loading and unloading requirements. In your incoming request you note that each section of track at your transloading facility can have multiple tank cars set out in groups to be transloaded by up to five different transload companies that access the designated transload area. You ask if § 173.31(g)(1) requires the separate transload entities mentioned above to be protected from each other by an additional derail, lined and blocked switch, portable bumper block, and or other equivalent security equipment?

The answer to your question is no. In accordance with § 173.31(g)(1) access to the track must be secured during loading and unloading operations, but there is no additional requirement to further isolate tank cars within a transloading facility based on the fact that they are being loaded or unloaded by separate entities.

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

Webb
173.31(g)(1)
Tank Cars
14-0206

Dodd, Alice (PHMSA)

From: Ciccarone, Michael CTR (PHMSA)
Sent: Friday, October 24, 2014 4:31 PM
To: Hazmat Interps
Subject: FW: Request for Letter of Interpretation of 49 CFR 173.31 (g)(1) - Port of Tucson
Attachments: Grade Level Track Photo 1.jpg; Grade Level Track Photo 2.jpg

Shante/Alice,

Please submit this for a formal letter for interpretation.

Thanks,

Mike

From: bryan@portoftucson.com [mailto:bryan@portoftucson.com]
Sent: Friday, October 24, 2014 4:11 PM
To: INFOCNTR (PHMSA)
Cc: Suzie, Hollis; Matt, Levin
Subject: Fwd: Request for Letter of Interpretation of 49 CFR 173.31 (g)(1) - Port of Tucson

To Whom It May Concern;

I failed to reference a previous interpretation that I believe applies to the question below.

Your letter of interpretation Ref. No.: 14-0092 states: the intent of 173.31(g) is to warn rail crews of the general rail transportation system of the status of a particular car or series of cars on a facility's rail system, and prevent them from attaching to or moving the rail cars when it is unsafe to do so.

It would appear that 173.31(g) does not address the actions of singular or multiple entities operating on the track that is locked and secured.

Again sorry for the addition.

Sincerely,

Bryan Slagle
Port of Tucson
520-574-1320 office
520-405-1477 mobile

----- Original Message -----

From: "bryan@portoftucson.com" <bryan@portoftucson.com>
To: infocntr@dot.gov
Cc: "Matt, Levin" <matt@portoftucson.net>, "Suzie, Hollis" <ops@portoftucson.net>
Date: October 24, 2014 at 11:31 AM
Subject: Request for Letter of Interpretation of 49 CFR 173.31 (g)(1) - Port of Tucson

To Whom It May Concern;

I am writing for clarification and interpretation of 49 CFR 173.31 (g)(1) and 49 CFR 173.31 (g)(3) as it pertains to the configuration of the rail safety equipment in place at the trans-load facility at the Port of Tucson in Tucson, Arizona.

I will try to provide as much detail as I can to help with understanding our question for interpretation.

The Port of Tucson currently has two tracks that are utilized for trans-loading of rail tank cars. Both tracks run parallel to each other and are 1300' in length. These tracks are grade level with a 0% slope, and the rail head is all that is exposed to eliminate trip hazards and to allow movement in and around these tracks as needed. There is no exposed rail in the trans-load area.

Each 1300' track can have multiple tank cars set out in groups (by commodity) to be trans loaded by up to five different trans-load companies that access the designated trans-load area at different times during the day or week. Each of these trans-loaders provides wheel blocking and signage to comply with all of the requirements for Hazmat trans-loading.

49 CFR 173.31 (g)(1) states: The unloader must secure access to the track to prevent entry by other rail equipment, including motorized service vehicles. Derails, lined and blocked switches, portable bumper blocks, and other equivalent security equipment would be examples of this type of prevention.

Additionally, 49 CFR 173.31 (g)(3) states: At least one wheel on the tank car being trans-loaded must be blocked against movement in both directions, and the hand brake must be set.

Both trans-load tracks are secured and locked out from the Port of Tucson rail system by a locked switch to comply with 49 CFR 173.31 (g)(1) . When being trans-loaded, brakes are set on every tank car and wheels are chocked/blocked on each end to comply with 49 CFR 173.31 (g)(3).

To our interpretation question:

At times there are two entities trans-loading at the same time on the same track. The tank cars each entity are trans-loading and their own equipment is separated by more than 100'.

The question that has been posed as pertains to 49 CFR 173.31 (g)(1) is as follows: Do these separate trans-load entities need to be protected from each other by an additional derail, lined and blocked switch, portable bumper block, and or other equivalent security equipment?

The reason we desire interpretation is two fold. First, the tracks themselves are locked out to insure there is no additional equipment or motorized equipment can enter the trans-load area. We feel this complies with 49 CFR 173.31 (g)(1). Second we see no mention in 49 CFR 173.31 (g)(1) of a need for additional derails, lined and blocked switches portable bumper blocks, and or other equivalent security equipment when there are two different entities trans-loading on the same track.

Since all the trans-loaders that access these tank cars provide their own signage and locks for the locked switch, we believe they are in compliance, and there is no need for additional safety equipment. But we are asking for an interpretation on this if possible.

Lastly, if additional equipment is needed between each individual entity, and it is determined it must be a derail or portable bumper, we feel this may cause an undue financial obligation to install this equipment.

If further clarification is needed, please contact me any time.

Sincerely,

Bryan Slagle
Port of Tucson
520-574-1320 office
520-405-1477 mobile
bryan@portoftucson.com



