



U.S. Department
of Transportation

**Pipeline and
Hazardous Materials Safety
Administration**

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

AUG 25 2006

Mr. Jim Osterhaus
Texas Railroad Commission
P.O. Box 12967
Austin, TX 78711-2967

Ref. No. 06-0172

Dear Mr. Osterhaus:

This is in response to your letter requesting clarification of the emergency discharge control requirements under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) for non-metered cargo tank motor vehicles transporting liquefied compressed gas. Specifically, you ask whether these cargo tank motor vehicles may transport liquefied compressed gas if they do not have an "on-board" passive shutdown capability. The question is posed based on § 177.840(r), which you believe may exempt cargo tank motor vehicles from the shutdown requirement if a facility-provided transfer hose will be used.

The HMR require all cargo tank motor vehicles manufactured on or after July 1, 2001, and used to transport liquefied compressed gas to have an emergency discharge control capability as specified in § 173.315(n). For a cargo tank motor vehicle manufactured prior to July 1, 2001, and used to transport liquefied compressed gases, the required emergency discharge control equipment must be installed no later than the date of its first scheduled pressure test after July 1, 2001 (see § 180.405(m)). No cargo tank motor vehicle used to transport liquefied compressed gas may be operated after July 1, 2006 unless it is equipped with the appropriate emergency discharge control equipment (see § 173.315(n)(5)).

A cargo tank motor vehicle equipped with a specially designed hose assembly to meet the emergency discharge control requirements in § 173.315(n) may be unloaded using a delivery hose assembly provided by the receiving facility provided the conditions set



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173.315(n)
177.840(r)

forth in § 177.840(r) are met. Note, however, that even a cargo tank motor vehicle that is unloaded using a facility hose must be equipped with emergency discharge control equipment appropriate to the material transported and the type of service in which the cargo tank motor vehicle is engaged.

I hope this information is helpful. Please contact this office if you have additional questions.

Sincerely,

A handwritten signature in cursive script that reads "Hattie L. Mitchell". The signature is written in black ink and is positioned below the word "Sincerely,".

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

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Thursday, July 20, 2006 2:22 PM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: Information Center Comments/Questions

McIntyre
S 173.315(n)(2)
177.840(r)
Edryo tanks
06-0112

He called earlier and is requesting a letter of interp. Thanks!

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

From: james.osterhaus@rrc.state.tx.us [mailto:james.osterhaus@rrc.state.tx.us]
Sent: Wednesday, July 19, 2006 4:08 PM
To: INFOCNTR <PHMSA>
Subject: Information Center Comments/Questions

Below is the result of your feedback form. It was submitted by Jim Osterhaus (james.osterhaus@rrc.state.tx.us) on Wednesday, July 19, 2006 at 16:07:42.

Email: james.osterhaus@rrc.state.tx.us

Name: Jim Osterhaus

Organization: Texas Railroad Commission

P.O. Box 12967

City: Austin

State: Texas

Zip Code: 78711 -*2967*

Phone: 512-463-6692

Comments: Rule Clarification: 173.315(n)(2) requires passive shutdown capability on non-metered cargo tank motor vehicles. 173.315(n)(5)(iii) states that a transport without passive shutdown capabilities shall not operate until it has the appropriate emergency discharge control capabilities set in 173.315 (n)(2). However, 177.840 (r) permits a transport to use a facility-provided transfer hose if the transport is equipped with a specially designed delivery hose assembly meeting the requirements of 173.315 (n) (2). It appears 49 CFR requires all non-metered transports to be equipped with a passive shutdown, but it doesn't require the passive shutdown equipment to be used. There are LPG transports operating in Texas that are loaded and unloaded in Texas, other states or in Mexico using facility-provided transfer hoses. Many of these transports are not equipped with passive shutdown capabilities. Are these cargo tank motor vehicles allowed to operate (transport product) if not equipped with on-board passive shutdown capabilities?