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Hazardous Materials/Transportation: PHMSA Addresses Tank Car Crude Oil Private Track Consignment Question

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The United States Pipeline and Hazardous Materials Safety Administration ("PHMSA") clarified in an October 5th letter the applicability of the federal Hazardous Materials Regulations ("HMR") to:

...loaded tank cars containing crude oil and consigned to private track for temporary storage.

PHMSA was responding to a May 10th letter from NGL Crude Logistics, LLC of Houston, Texas.

NGL sought confirmation that:

...the provisions prescribed in § 174.304 do not prohibit the rail transportation of loaded crude oil tank cars to a private track for temporary storage, where the tank cars will eventually be transported via a second rail movement to the end-user.

PHMSA agreed that this understanding is correct.

PHMSA states that § 174.304 does not apply to the temporary storage of a loaded tank car containing a Class 3 (flammable liquid) on private track for the eventual transportation to its destination (referencing § 171.8) The agency further notes:

- Section 174.304 prohibits the transportation of a rail tank car containing a Class 3 (flammable liquid) material unless it is originally consigned (or subsequently consigned) to a party meeting the conditions established in the section
- The HMR does not apply to storage of a rail car on a private track (referencing § 171.1(2)(3).

[A copy of the letter can be downloaded here.](#)