



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Transportation/Hazardous Materials Regulation: Pipeline and Hazardous Materials Safety Administration Interpretive Letter Addressing Loading/Unloading Question

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The Pipeline and Hazardous Materials Safety Administration (“PHMSA”) in a May 26th interpretive letter addressed the applicability of the Hazardous Materials Regulation (“HMR”) to loading/unloading a cargo tank motor vehicle (“CTMV”).

PHMSA was responding to an October 16, 2019, email request from Smart-Hose Technologies (“SHT”).

SHT referenced hoses equipped with safety devices that permit a CTMV to be loaded and unloaded without full-time attendance by a qualified person during loading operations. The company indicated that it engineers and manufactures specialized hoses referenced in certain Department of Transportation Special Permits. It asks whether:

. . . the final rule issued under Docket No. PHMSA-2013-0042 (01/21/2016, 81 FR 3636) (HM233F), “Hazardous Materials: Adoption of Special Permits,” eliminates the need for these special permits by adopting the language they contain into the HMR.

PHMSA responds in the affirmative.

The agency notes that HM-233F (i.e., the final rule) amended § 177.834(i)(3) and (i)(4) of the HMR to permit loading or unloading “attendance” of a CTMV through the use of hoses equipped with:

. . . cable connected wedges, plungers, or flapper valves located at each end of the hose that can stop the flow of product from both the source and the receiving tank within one second without human intervention in the event of a hose rupture, disconnection, or separation.

PHMSA further notes:

- Amendments to § 177.834(i)(3) and (i)(4) do not affect the requirements in § 176.76(i) for cargo transport units packed or loaded with Division 2.1 (flammable) gas or Class 3 (flammable) liquid having a flashpoint below + 23 °C transported on deck.
- § 177.840(p) prescribes the requirements to unload liquefied petroleum gas and anhydrous ammonia in metered delivery service and does not include a reference to the type of hoses in DOT-SPs 13484 and 14447.

- § 177.834(i)(3)(i) of a qualified person attending a cargo tank loading or unloading operation does not apply to cargo tank loading or unloading requirements in §§ 177.840(p) or (q) or 177.837(d).

A copy of the May 26th letter can be downloaded [here](#).