



U.S. Department  
of Transportation

**Pipeline and  
Hazardous Materials Safety  
Administration**

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

MAY 31 2006

Mr. Ross Warnell  
Technical Standards and Procedures Manager  
Ferrellgas  
One Liberty Plaza  
Liberty, MI 64068

Ref. No.: 06-0058

Mr. Warnell:

This is in response to your letter requesting clarification of tank car unloading requirements provided in § 173.31(g) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you ask if a steel gate or a steel locking arm may be used to satisfy § 173.31(g)(1), requiring the unloader to secure access to the track to prevent entry by other rail equipment.

In accordance with § 173.31(g)(1), examples of devices capable of securing access to the track and preventing entry by other rail equipment would be derails, lined and blocked switches, portable bumper blocks, and other equivalent equipment. For equipment to be equivalent to those specifically mentioned by example, it must be capable of protecting the unloading operation by diverting or stopping rail equipment. In our opinion, a locked gate or a steel gate arm or other formidable barrier capable of stopping or diverting rail equipment and providing the same level of protection as a portable bumping block, derail, switch or similar device would fulfill the requirements of 173.31(g)(1).

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,



John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards



060058

173.31(g)(1)



Supko  
§173.31 (g)(1)  
Tank Cars  
06-0058

March 2, 2006

Mr. Edward T. Mazzullo  
Director, Office of Hazardous Materials Standards  
U.S. DOT/PHMSA (PHH-10)  
400 7th Street S.W.  
Washington, D.C. 20590-0001

Re: Request for written formal interpretation of 49 CFR §173.31 (g)(1) Use of tank cars.

Dear Mr. Massullo:

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, or other equipment that provides an equivalent level of security may be used to satisfy this requirement.

Some of my locations have fenced-in rail sidings with a gate across the tracks. This gate is kept locked at all times except when rail cars are scheduled to be switched. Does this or a locking steel gate arm meet the requirements?

Please furnish me with a written interpretation. You may reach me by telephone at 816-792-6998 or by e-mail at [rosswarnell@ferrellgas.com](mailto:rosswarnell@ferrellgas.com).

Sincerely yours,

A handwritten signature in cursive script that reads "Warnell".

Ross Warnell

Technical Standards and Procedures Manager

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