



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, D.C. 20590

OCT 05 2016

Mr. Don Robinson  
Executive Vice President  
NGL Crude Logistics, LLC  
Brookhollow Central II  
2900 North Loop West  
Suite 1250  
Houston, TX 77024

Reference No. 16-0083

Dear Mr. Robinson:

This letter is in response to your May 10, 2016, letter and email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to loaded tank cars containing crude oil and consigned to private track for temporary storage. Specifically, you seek confirmation of your understanding 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.

Your understanding is correct. It is the opinion of this Office that § 174.304 does not apply to the temporary storage of a loaded tank car containing a Class 3 (flammable liquid) on private track (see § 171.8) for the eventual transportation to its final destination. 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. Furthermore, the HMR do not apply to storage of a rail car on a private track (see § 171.1(d)(3)).

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division