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Transportation/Hazardous Materials Regulation: Pipeline and Hazardous Materials Safety Administration Addresses Request Regarding Clarification of the Term "Tank Car Facility"

Arkansas Environmental, Energy, and Water Law Blog

01/15/2016

The Pipeline and Hazardous Materials Safety Administration ("PHMSA") in a December 11, 2015 letter responded to a Salco Products, Inc. ("Salco") request for clarification of the Hazardous Materials Regulation ("HMR") relating to the term "tank car facility."

Salco asked if a manufacturer of subcomponents of tank cars (e.g., valves used for loading and unloading) are considered tank car facilities as defined by § 179.2(a)(10).

PHMSA responded to the question in the affirmative. The agency noted:

A tank car facility is defined in § 179.2(a)(10) as an entity that: (1) manufactures, repairs, tests, qualifies, or maintains a tank car to ensure that the tank car conforms to Part 179 and Subpart F of Part 180; (2) that alters the certification of construction of the tank car; (3) ensures continuing qualification of a tank car by performing a function prescribed in Parts 179 and 180; or (4) makes any representation indicating compliance with one or more of the requirements of Parts 179 or 180.

PHMSA also noted:

Appendix B section 3.4 of the AAR Manual of Standards and Recommended Practices (incorporated by reference in § 171.7), designates a facility requiring registration as one who manufactures service equipment for tank cars. Moreover, the AAR Manual of Standards and Recommended Practices defines "manufacture" as: to produce a tank car capable of rolling on its own wheels, or service equipment ready to be applied to the tank car. Thus, based on the fourth component of the tank car facility definition discussed above and the AAR definition, the term "tank car facility" would encompass all those who manufacture equipment that is attached to an opening on a tank car, including manufacturers of valves. Furthermore, this issue is being considered by the Rail Safety Advisory Committee (RSAC) under Task No. 15-04.

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