U.S. Department
of Transportation
**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

August 12, 2025

Benjamin A.F. Nussdorf
General Counsel/Vice President, Regulatory & Industry Affairs
National Propane Gas Association
1140 Connecticut Avenue, NW
Suite 1075
Washington, DC 20036

Reference No. 24-0112

Dear Mr. Nussdorf:

This letter is in response to your November 18, 2024 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to emergency discharge control equipment for liquefied compressed gas in cargo tank motor vehicles (CTMVs). Regarding metered service, it is your understanding that the phrase "shut off all motive and auxiliary power equipment" located in § 173.315(n)(3) of the HMR refers only to shutting down the equipment used for product transfer to prevent uncontrolled or accidental discharge of hazardous material and the vehicle engine. Specifically, you ask whether this language in § 173.315(n)(3) is meant to only shut off product transfer equipment and the vehicle's engine but not to shut off all electrical power on the vehicle.

Your understanding is correct. As provided by § 173.315(n)(3), the phrase "all motive and auxiliary power equipment" refers only to the vehicle's engine and the equipment that is directly responsible for operating the vehicles product transfer system—not all electrical power to the vehicle. The intent of the regulation is to close the internal self-closing stop valve and shut off all motive and auxiliary power equipment upon activation to prevent uncontrolled or accidental discharge of hazardous materials and eliminate potential sources of ignition.

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

Sincerely,

Dirk DerKinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Horne

24-0112

From:	Patrick, Eamonn (PHMSA)
To:	Dodd, Alice (PHMSA)
Cc:	Andrews, Steven (PHMSA); Wolcott, Alexander (PHMSA)
Subject:	FW: NPGA Request: Letter of Interpretation for Remote Power Shut Off Regulations
Date:	Monday, November 18, 2024 1:02:42 PM
Attachments:	image001.png PHMSA-RSPA-1997-2133-0122_content.pdf PHMSA-RSPA-1997-2133-0215_attachment_1 RSPA Guidance.pdf PHMSA-RSPA-2133-168 - Remtron.pdf RSPA Attachment A.pdf RSPA Attachment B.pdf RSPA Attachment C.pdf NPGA Request for Letter of Interpretation - Remote Power Shut Off.pdf

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Good afternoon Alice,

Please check this in as a LOI. The request is the attachment titled “NPGA Request for Letter of Interpretation – Remote Power Shut Off.” The other attachments are reference materials to provide context and information for the request. The person assigned can reach out to Steven and/or me for further background on this issue.

Thanks!

-Eamonn

From: Benjamin Nussdorf <bnussdorf@npga.org>
Sent: Monday, November 18, 2024 12:57 PM
To: Patrick, Eamonn (PHMSA) <eamonn.patrick@dot.gov>; Andrews, Steven (PHMSA) <steven.andrews@dot.gov>; Wolcott, Alexander (PHMSA) <alexander.wolcott@dot.gov>
Subject: NPGA Request: Letter of Interpretation for Remote Power Shut Off Regulations

Dear Mr. Patrick, Mr. Andrews, and Mr. Wolcott:

Thank you for your engagement with NPGA and its members regarding the Remote Power Shut Off Regulations. Attached, please find our request for a letter of interpretation and supporting materials. Thank you for your consideration and review.

Sincerely,

Benjamin Nussdorf

Benjamin A.F. Nussdorf
General Counsel/Vice President, Regulatory & Industry Affairs

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November 18, 2024

Eamonn Patrick
Steven Andrews
Alexander Walcott
Pipeline and Hazardous Materials Safety Administration (PHMSA)
United States Department of Transportation
1200 New Jersey Ave. SE
Washington, DC 20590

Re: Remote Power Shut Off Discussions

Dear Mr. Patrick, Mr. Walcott, and Mr. Andrews:

The National Propane Gas Association (NPGA) respectfully submits this request in response to our meetings of July 29th and September 30th, 2024. In those meetings, which included NPGA, PHMSA, the Federal Motor Carrier Safety Administration (FMCSA), the State of North Carolina, BASE Engineering, and Mississippi Tank, PHMSA requested information on the preamble of the prior rulemaking, analysis from BASE Engineering on system operations, and information from Mississippi Tank on the prior negotiated rulemaking. The aim of this request is to provide justification for a letter of interpretation (LOI) from the Research and Special Programs Administration (RSPA) which will clarify and refine the understanding of the remote shut off regulations in HMR-225 and what they intend to encompass.

NPGA is the national trade association of the propane industry with a membership of about 2,300 companies, and 36 state and regional associations that represent members in all 50 states. Membership in NPGA includes retail marketers of propane gas who deliver the fuel to the end user, propane producers, transporters and wholesalers, and manufacturers and distributors of equipment, containers, and appliances. Propane gas fuels millions of installations nationwide for home and commercial heating and cooking, in agriculture, industrial processing, and as a clean air alternative engine fuel for both over-the-road vehicles and industrial lift trucks. Roughly 75% of NPGA's members have fewer than 100 employees, and are considered small businesses.

Preamble:

NPGA staff has evaluated the documents relevant to the remote shut off section of the Hazardous Materials Regulations (HMR) and offers the following for your consideration. Principally, the regulatory evaluation established that use of a radio frequency transmitter communication with receiver equipment on board the vehicle capable of closing the stop valve met the requirements of "immediately activate the internal self-closing stop valve to shut down all motive and auxiliary power equipment," in order to prevent unauthorized or uncontrolled release (See RSPA Attachment A at Page 12). PHMSA noted in the Federal Register that the elimination of unauthorized or uncontrolled discharge by actuating the remote means of automatic closure of the internal self-closing stop valve, rather than the deenergizing entire vehicle, was the primary objective.[1]

NPGA has been consistent in prior rulemakings to cover this problem. Included in its engagement are initial comments on the HMR (See RSPA Attachment B). NPGA, and the propane industry as a whole, have never advocated or supported the contention that the entire vehicle lose power because, as noted on the July 29th call, such an action would represent an unacceptable safety risk to the operator and the public.

[1] *See* e.g. PHMSA-RSPA-97-2133-0122 at 8-10, 13, noting the intent to disengage power to the discharge system.

Further, PHMSA's own regulatory actions in this field have focused on the need to stop the flow of product remotely in the sake of safety, rather than the shutdown of the entire vehicle. (See RSPA Attachment C, at Page 9-10). In that document, PHMSA stresses the focus is the ability of the operator to engage or disengage the motor vehicle PTO or other mechanical, electrical, or hydraulic means used to energize the pump and other components of a cargo tank motor vehicle's discharge system. PHMSA did not stress the need to shut down all power to the vehicle. In all situations and in all potential explanations, RSPA rules with respect to remote shut down have focused on shutting down the components and the power to the discharge system, rather than the vehicle itself.

In PHMSA's documents in this docket, RSPA 97-2133 (HM-225), PHMSA noted the need to "ensure an acceptable level of safety for delivery of liquefied compressed gases."[2] These regulations evidence PHMSA's intent to regulate emergency discharge controls,[3] rather than regulate all power to the vehicle. PHMSA's questions and documents on this issue focus principally on discharge, rather than eliminating all power to the vehicle.[4] PHMSA notes elsewhere that the rules have been essentially unchanged since 1941, focusing on controls for excess flow valves and internal self-closing stop valves; while regulations in the 1990s provided for secondary remote controls and for fusible links, allowing the internal valves to close automatically in the case of a cargo tank being involved in a fire.[5][6] Without question, PHMSA has intended to have the remote shut off portion of the HMR apply to valve and discharge equipment since their inception, rather than apply to the entire vehicle.

Auxiliary Power Equipment:

The intent of the regulation is clear through examination of the HMR as a whole. "A cargo tank motor vehicle must have an off-truck remote means to close the internal self-closing stop valve and shut off all motive and auxiliary power equipment upon activation by a qualified person…"[7] The aim of this regulation is to stop the flow of product in an emergency situation, not to shut down all electric power to the vehicle, which would result in an unacceptable and unprecedented safety concern to the driver and to public safety. Other parts of the same regulation specifically focus on the need to stop the flow of product in an emergency situation.[8] While the operative portion of the regulation is not precisely worded, taken as a whole, the remote shut off portion of the HMR's goal is to stop the flow of product by means of a remote shut down to the product's valves and mechanical power to the pump.

Further, while not defined in the hazardous materials section, an "auxiliary power unit" is defined elsewhere in the regulations. It is possible that the omission of defining auxiliary power equipment in this section is simply an oversight, but the regulations taken as a whole do provide a definition of auxiliary power unit.[9] NPGA requests that PHMSA clearly state in LOI that these available definitions of auxiliary power unit apply to the remote power shut off regulations, and that auxiliary power unit and auxiliary power equipment have the same definition in the HMR.

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[2] 62 Fed. Reg. 44059 (Aug. 18, 1997).
[3] *Id*.
[4] *Id*. at 44060.
[5] 62 Fed. Reg. 44038 (Aug. 18, 1997).
[6] *See also* PHMSA-RSPA-97-2133-168 at 2-4, 6, 13, noting REMTRON's presentation identifying the immediate closure of an emergency shut down device by way of closing the internal valve and stopping the discharge process through disengagement of the pump inclusive of engine shut down.
[7] 49 CFR 173.315(n)(1).
[8] 49 CFR 173.315(n)(2).
[9] 49 CFR 535.4; 40 CFR 1037.801. NPGA notes that the definition here applies to an auxiliary power unit, rather than auxiliary power equipment, though the two terms are distinct without a difference in practice and as applied in 40 CFR 1037.801.

Safety:

A supplemental justification for a LOI to clarify that this rule only applies to auxiliary power equipment is to ensure safety. PHMSA generally, and the HMR regulations specifically, are designed to ensure the highest level of safety. Should PHMSA or state enforcement authorities interpret this rule to apply to all power on a vehicle, a number of safety considerations will arise. In dark or low-light situations, all power could be shut off to a hazardous materials delivery vehicle, which presents an elevated safety concern when seeing and avoiding the vehicle on the side of a road may prove challenging. Shutting off all power presents a potential issue for the Occupational Safety and Health Administration, as it would increase the safety risk to the driver. Shutting off all power presents a potential issue for the National Transportation Safety Board, as it would increase the potential for vehicle collisions and incidents when all lights are shut off. Shutting off all power presents a potential issue for the Federal Motor Carrier Safety Administration (FMCSA), as it would not provide an equivalent level of safety to FMCSA's own regulations. Finally, if all power is shut down to the vehicle, it would detrimentally impact the functionality of the off-truck remote as well. Generally speaking, providing the rule with the broad interpretation taken by a lone inspector in North Carolina would result in serious safety concerns for the workers, the public, and for a variety of government agencies.

Further, during a delivery, bobtails are oftentimes parked on roadways, or in areas with varying degrees of traffic. As the truck is delivering, safety beacons are often deployed to warn others of the operation, protecting the parked truck and its operator. In winter months, during inclement weather (blowing snow or rain), or after dark, these flashers are often a key piece of safety equipment. By cutting power to these lights, the operator may be subject to potential tripping hazards, as well as low visibility in uneven, or slippery ground conditions. Cutting all power on the truck removes this protection, and creates an unacceptable level of risk to the operator's and the public's safety.

History:

An important consideration for the LOI is that for twenty-five years, PHMSA and state enforcement authorities have interpreted this rule to only apply to power equipment, rather than all vehicle power, without discussion or debate. While a single inspector's mistaken interpretation has encouraged this LOI, the overwhelming pattern and practice of the application of this rule is without equivocation or doubt.[10] PHMSA's intent is evident and clear through decades of focused enforcement of this rule, and clarifying the intent and applicable enforcement would prevent future confusion or misinterpretation.

For PHMSA to take the position that the "off truck remote means to close the internal valve and shut off all motive and auxiliary power equipment", as written in 49 CFR 173.315(n)(3) is inclusive of electrical energy that has no bearing on the operation or function of the transfer system, would be a significant departure from RSPA records and the way the regulations have been interpreted for the last 25 years. This new interpretation would require compliance with the Administrative Procedures Act (APA) because this change does not rise to the level of an emergency nature and would be required to publish a notice of proposed rulemaking pursuant to the APA.

Conclusion

NPGA and its members respectfully request PHMSA to issue a letter of interpretation stating that PHMSA's use of the terms "all motive and auxiliary power equipment" refers only to the equipment that is directly responsible for operating the vehicles transfer system, as required to actuate or open the vehicles internal

[10] *See also* PHMSA-RSPA-97-2133-215 at 1-2, noting how an internal valve shut down process would provide compliance with the regulations.

self-closing stop valve or operate the vehicles pump or product transfer equipment, and not all electrical power to the vehicle. Further, NPGA and its members respectfully request that PHMSA state that the intent of the regulation is to prevent uncontrolled or accidental discharge of hazardous materials. Thank you for your consideration of these comments. Please contact NPGA if you have any questions or concerns.

Respectfully Submitted,

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