



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

May 26, 2020

Smart-Hose Technologies
701 Ashland Avenue
Folcroft, PA 19032

Reference No. 19-0122

This letter is in response to your October 16, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to hoses equipped with safety devices that permit a cargo tank motor vehicle (CTMV) to be loaded and unloaded without full time attendance by a qualified person during loading operations. You explain that your company engineers and manufactures specialized hoses, such as those described in Department of Transportation Special Permits (DOT-SPs) 13484 and 14447. Specifically, you ask whether the final rule issued under Docket No. PHMSA-2013-0042 (01/21/2016, 81 FR 3636) (HM-233F), “Hazardous Materials: Adoption of Special Permits,” eliminates the need for these special permits by adopting the language they contain into the HMR.

The answer is yes. The HM-233F 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. These amended paragraphs also prescribe inspection requirements and operational controls for use of these hoses.

The 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. Additionally, § 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. The description in § 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).

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

Sincerely,

A handwritten signature in blue ink that reads "T. Glenn Foster". The signature is written in a cursive style with a long, sweeping underline.

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