



# National Tank Truck Carriers – Tank Week FMCSA Update

Paul Bomgardner  
Chief, Hazardous Materials Division  
Federal Motor Carrier Safety Administration

# Topics

- Electronic Logging Devices: Brief Review
- Personal Conveyance
- Hours of Service ANPRM
- Special Permits
- Safety Permits
- Tank Vehicle Definition and Examples
- Cargo Tanks and Cargo Tank Facility Reviews
  - Top violations
- Cargo Tank Research
  - “TankFax” and Registered Inspector Qualifications
  - Human Factors in Cargo Tank Rollovers



# ELD's: Are you subject?

- If a driver is currently required to prepare a paper record of duty status, the driver is required to use an ELD.
- <https://www.fmcsa.dot.gov/regulations/hours-of-service>
- UNLESS, the driver or commercial motor vehicle meets one of the limited exemptions...



# Exceptions

- Hours of service recordkeeping
  - 100 air-mile radius drivers
  - 150 air-mile radius non-CDL freight drivers
- ELD Exceptions
  - Required to prepare paper RODS for not more than 8 days during any 30-day period
  - Conducting “drive away-tow away” in which the vehicle being driven in part of the shipment being delivered
  - Manufactured before model year 2000



# Know your Device (AOBRD v ELD)

	<b>AOBRDs</b>	<b>ELDs</b>
<b>Integrally Synchronized</b>	Yes	Yes
<b>Automatic Recording of HOS</b>	Yes	Yes
<b>Technical Specifications</b>	Limited	Yes
<b>Registered with FMCSA</b>	No	Yes*

\*To see the list of ELDs registered with FMCSA, go to:

<https://www.fmcsa.dot.gov/hours-service/elds/equipment-registration>



# ELD Registration List

- **Must** be registered on the FMCSA Registration site
  - Tips for choosing a Compliant ELD device
    - <https://www.fmcsa.dot.gov/hours-service/elds/choosing-electronic-logging-device-checklist>
  - Use due diligence when purchasing equipment



# Driver's Responsibilities

- Know what kind of device you have: AOB RD or ELD
- User's Manual
- Data Transfer Instruction Sheet
- ELD Malfunction Instruction Sheet
- Supply of blank record of duty status graph grids
- Any supporting documents in the driver's possession must be provided to the safety official upon request



# Motor Carrier Responsibilities

## Record Retention

- Original ELD data
- Any Paper Logs
- Printout from device installed with logging software
- Printout from an Automatic On-Board Recording Device (if now using an ELD)
- 6 Months Retention
- List of users
- Unidentified driving





## Personal Conveyance: Revised Guidance

- Focus on the purpose of the movement
- Does not establish a mileage restriction on personal conveyance
- Does not alleviate the responsibility of the motor carrier and driver from operating the CMV safely
- Driver and vehicle are still subject to the regulations



Personal Conveyance	NOT Personal Conveyance
Time spent traveling from a driver's en route lodging (such as a motel or truck stop) to restaurants and entertainment facilities.	The movement of a CMV in order to enhance the operational readiness of a motor carrier. For example, bypassing available resting locations in order to get closer to the next loading or unloading point.
Time spent traveling to a nearby, reasonable, safe location to obtain required rest after loading or unloading.	Continuation of a CMV trip in interstate commerce in order to fulfill a business purpose, including bobtailing or operating with an empty trailer in order to retrieve another load or repositioning a CMV
Time spent traveling in a motorcoach without passengers to en route lodging (such as motel or truck stop), or to restaurants and entertainment facilities and back to the lodging.	Time spent driving a passenger-carrying CMV while passenger(s) are on board. Off-duty drivers are not considered passengers when traveling to a common destination of their own choice within the scope of this guidance.
Moving a CMV at the request of a safety official during the driver's off-duty time.	Time spent transporting a CMV to a facility to have vehicle maintenance performed
Time spent transporting personal property while off-duty.	Time spent traveling to a motor carrier's terminal after loading or unloading from a shipper or a receiver.
Commuting between the driver's terminal and his or her residence, between trailer-drop lots and the driver's residence, and between work sites and his or her residence. The driver must still be able to obtain the required restorative rest as to ensure that they are not fatigued.	



# Got Questions?

- Email: [ELD@DOT.GOV](mailto:ELD@DOT.GOV)
- ELD Website: <https://www.fmcsa.dot.gov/eld>



# Hours of Service ANPRM

The ANPRM (FMCSA-2018-0248) sought comment on:

## Short-haul Operations

- Should the window for short haul drivers be extended from 12 to 14 hours?

## Adverse Driving Conditions

- Should the exception be expanded to include the 14 hour work day window?

## 30-minute Break

- Is the 30-minute rest break necessary; should it be eliminated?

## Split Sleeper Berth

- Are there alternatives that would make the sleeper berth options more effective?

## Petitions

- Petitions for rule revision were received from OOIDA and TruckerNation. FMCSA also seeks comment on the elements of the petitions.



# Special Permits

Fiberglass Reinforced Plastic (FRP) Cargo Tank: Built per Special Permit



# Special Permits

- FMCSA reviews Special Permits for Highway:
  - Requests for Emergency Processing;
  - Requests for Technical Review (mostly involving cargo tank SP's); and
  - Requests for new, renewal or party-to SP's for INTERSTATE motor carriers and/or INTRASTATE motor carriers holding a Hazardous Materials Safety Permit (HMSP) or when a carrier is applying for a Special Permit pertaining to the transportation of Ebola-Related Medical Wastes.
- Review may be desk-top audit (1 year performance), or sent to FMCSA field for comprehensive investigation.



# Special Permits Reviewed: 2011 - 2018

Date	Total SP's Received	Total Closed	Approved	Denied	Returned to PHMSA With No Action / Decision	Under Review	Awaiting CR
Current	1483	1469	928	376	165	6	8
Date	Total Companies Reviewed	Total CRs Requested	CRs Requested By Calendar Year			Total CRs Requested	Average Number of CRs Per Year
Current	1103	205	21	2010			
			46	2011			
			14	2012			
			26	2013			
			27	2014			
			15	2015			
			19	2016			
			21	2017			
			16	2018		205	22.78





# Hazardous Materials Safety Permits

1. Highway Route Controlled Class 7;
2. >55 lbs net.: 1.1, 1.2 or 1.3 Explosives, or Placarded 1.5;
3. PIH Zone A - >1liter / package;
4. PIH Zone B – Bulk Package >119 gal.;
5. PIH Zones C or D – Bulk Package  $\geq$  3,500 gal.; or
6. Compressed or Refrigerated Liquefied Methane, Liquefied Natural Gas, or Other Liquefied Gas with a Methane Content of at least 85 percent – Bulk Package  $\geq$  3,500 gal.

## The **HAZARDOUS MATERIALS SAFETY PERMIT PROGRAM**

Since January 1, 2005, intrastate, interstate, and foreign motor carriers transporting certain types and amounts of hazardous materials (HM) are required to hold a Federal Hazardous Materials Safety Permit (HMSP) issued by the Federal Motor Carrier Safety Administration (FMCSA).



  
U.S. Department of Transportation  
Federal Motor Carrier Safety  
Administration





# Domestic Anhydrous Ammonia

## Guidance on the Application of 49 CFR Section 385.403

Notice to motor carriers and shippers of hazardous materials requiring a Hazardous Materials Safety Permit (HMSP) pursuant to 49 CFR § 385.403. (October 25, 2017)

<https://www.fmcsa.dot.gov/regulations/hazardous-materials/advisory-guidance-who-must-hold-safety-permit>



# Domestic Anhydrous Ammonia

- ***NO HMSP REQUIRED:***  
Anhydrous Ammonia in domestic transportation and described as **UN1005 ammonia, anhydrous 2.2 Inhalation Hazard**
- ***HMSP REQUIRED:*** Anhydrous Ammonia described as **UN1005, ammonia, anhydrous 2.3 Poison Inhalation Hazard or Toxic Inhalation Hazard, Zone D**, and when transported in a packaging having a capacity greater than 13,248 L (3,500 gallons).



# HMSP Enhanced Oversight

- The carrier meets or exceeds the following thresholds is designated for a Comprehensive Review within 6-months of meeting prescribed condition.
  - HMSP carrier with the HM BASIC over threshold (2 consecutive months)
  - HMSP carrier with any 2 or more BASICs  $\geq$  the HM Threshold, other than the HM BASIC (2 consecutive months)
  - 48 months insufficient data (<3 roadside inspections with violations) AND a Safety Rating  $\geq$  4 years.



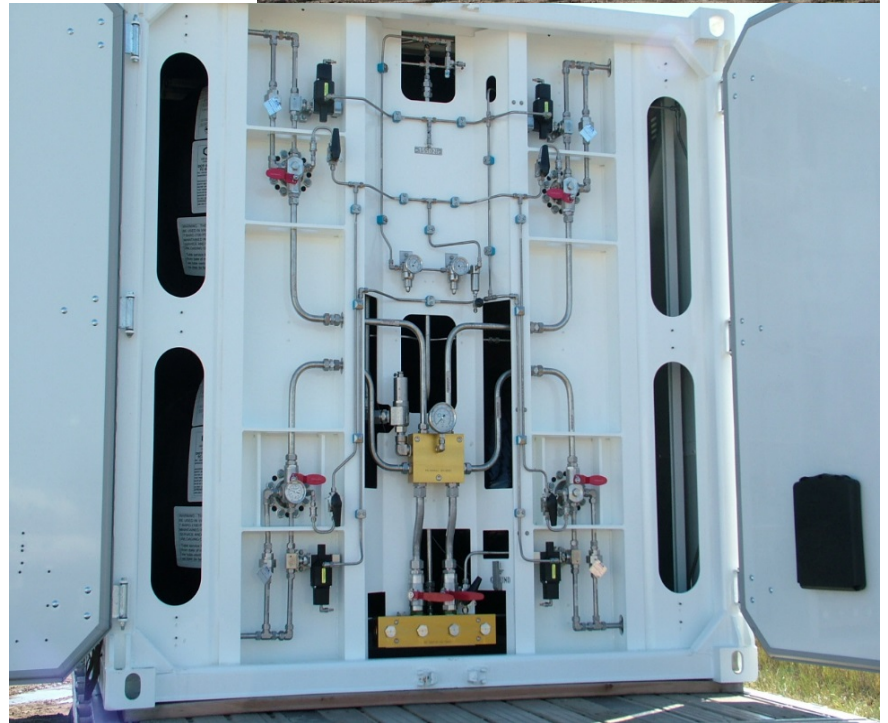
# Tank Vehicle – Definition and Guidance

383.5 Definitions: *Tank vehicle* means -

- commercial motor vehicle
- designed to **transport any liquid or gaseous materials**
- **within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more**
- that is either **permanently or temporarily attached to the vehicle or the chassis.**
- A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer **is not considered a tank vehicle.**



# Tank Vehicles





# Cargo Tank Resources

- Hazardous Materials
- Cargo Tanks
- Cargo Tank Safety**
- Cargo Tank Safety Advisory Notices
- Cargo Tank Registration and Resources**
- Rollover Prevention
- General HM Safety Advisory Notices
- Safety Permit
- National HM Route Registry
- Regulations
- Security
- Spill Reporting & Prevention
- Training & Education
- State Programs

## Cargo Tank Registration and Resources

### Cargo Tank Facility Registration Aid

Download the [Cargo Tank Facility Registration Aid](#)

Registration requires submission of a Registration statement, as required by 49 CFR, part 107, subpart F, must be in English, contain all of the information required by this subpart, and be submitted to: FMCSA Hazardous Materials Division—MC-ECH, West Building, 1200 New Jersey Avenue, SE, Washington, DC 20590; you may upload documents at <https://ask.fmcsa.dot.gov/app/ask> or you may fax documents to: (202)366-3477.

### Cargo Tank Resources

- [Online Cargo Tank Facility Registration](#)
- [DOT Cargo Tank Test and Inspection Brochure](#)
- [Top Cargo Tank Manufacturer Violations](#)
- [Top Cargo Tank Facility Violations](#)
- [Top Hazmat Violations](#)
- [HM And Cargo Tank Facility Complaints](#)
  - [Call: 1-888-368-7238, or submit online.](#)
- [Cargo Tank Driver Rollover Prevention Video](#)
  - [With Spanish subtitles](#)
- [Search For Active Cargo Tank Facilities](#)
- [Maximum Civil Penalty For HMR Violations 107.329\(B\)](#)
- [Transport Canada Registered Cargo Tank Facility Search](#)

#### Related Links

- [PHMSA Publications & Training](#)
- [PHMSA Outreach and Training](#)
- [Hazmat Transportation Training Requirements Brochure](#)
- [Registration Requirements For Authorized Inspectors and Authorized Inspection Agencies](#)

#### Contact Us

##### Federal Motor Carrier Safety Administration

Hazardous Materials Division  
1200 New Jersey Avenue SE  
Washington, DC 20590  
United States

Phone: 202-385-2400

Business Hours:  
9:00am-5:00pm ET, M-F

#### Share



[Submit Feedback >](#)

# Top 5 Cargo Tank Manufacturer Violations

PART NO	SECTION	DESCRIPTION
172	704(a)	Training requirements: General awareness/familiarization, Function-specific, Safety and or Security awareness training; No HM employee training as required
172	704(d)	Recordkeeping: Insufficient training records or no training records
171	8	Design Certifying Engineer: Unqualified Design Certifying Engineers
171	8	Registered Inspector: Unqualified Registered Inspectors
178	345-8 (c)(1)	Accident damage protection: Failing to meet applicable specifications, such as the overturn protection not meeting the required strength



# Top 5 Cargo Tank Facility Violations

PART NO	SECTION	DESCRIPTION
172	704(d)	Failing To Keep Training Records For 90 Days After Termination.
172	704(c)(2)	Failing To Retrain Hazmat Employees Every Three Years.
180	407(h)	Failing To Perform Leakage Test As Prescribed.
180	407(d)	Failing To Perform An External Visual Inspection As Prescribed.
172	704(a)	Failing To Train HM Employees As Required.





# Verification of Undocumented Repairs to Cargo Tanks

Q1. You ask whether a DOT-registered cargo tank repair facility can validate and/or verify an undocumented repair by performing standard testing and inspection in accordance with § 180.407(g)(1)(iv).

A1. The answer is no. Any repair of a cargo including previous repairs, must be performed in conformance with the requirements of § 180.413(a). An undocumented repair is not compliant with the requirements to repair in accordance with § 180.413(a). Under § 180.413(a)(1) the repairs must be performed by a repair facility holding a valid National Board Certificate of Authorization for use of the National Board "R" stamp and the repair must be made in accordance with the edition of the National Board Inspection Code in effect at the time the work is performed. Additionally, § 180.413(a)(3) requires that each person performing a repair of a Department of Transportation (DOT) specification cargo tank must be registered in accordance with subpart F of Part 107. An undocumented repair may not be retroactively validated by a subsequent DOT-registered cargo tank repair facility by performing requalification testing and inspection requirements in accordance with § 180.407 only.

[Source: PHMSA Interpretation 18-0060 Issued October 26, 2018](#)



## Verification of Undocumented Repairs to Cargo Tanks

Q2. In the event the answer in A1 is no, you ask what an authorized entity must do to ensure the CTMV is safe, in compliance with 49 CFR Part 180 Subpart E, and eligible for hazardous materials service as a specification cargo tank.

A2. The CTMV may be eligible for hazardous materials service as a specification cargo tank if the undocumented repair is removed and replaced by a cargo tank repair facility meeting the requirements of § 180.413 (see A1). After the repair is completed, the cargo tank repair facility will generate the appropriate documentation of the repair. If this is not feasible, the CTMV may be able to return to hazardous materials service under the controls of a special permit, provided an equivalent level of safety can be demonstrated by the applicant. To apply, the CTMV owner must submit an application to the Associate Administrator for Hazardous Materials Safety in conformance with the requirements prescribed in 49 CFR Part 107, Subpart B. You may obtain information on the special permit application process from our website at:

<http://www.phmsa.dot.gov/hazmat/regs/sp-a>. PHMSA may consider addressing this scenario in a future rulemaking.

Source: PHMSA Interpretation 18-0060 Issued October 26, 2018



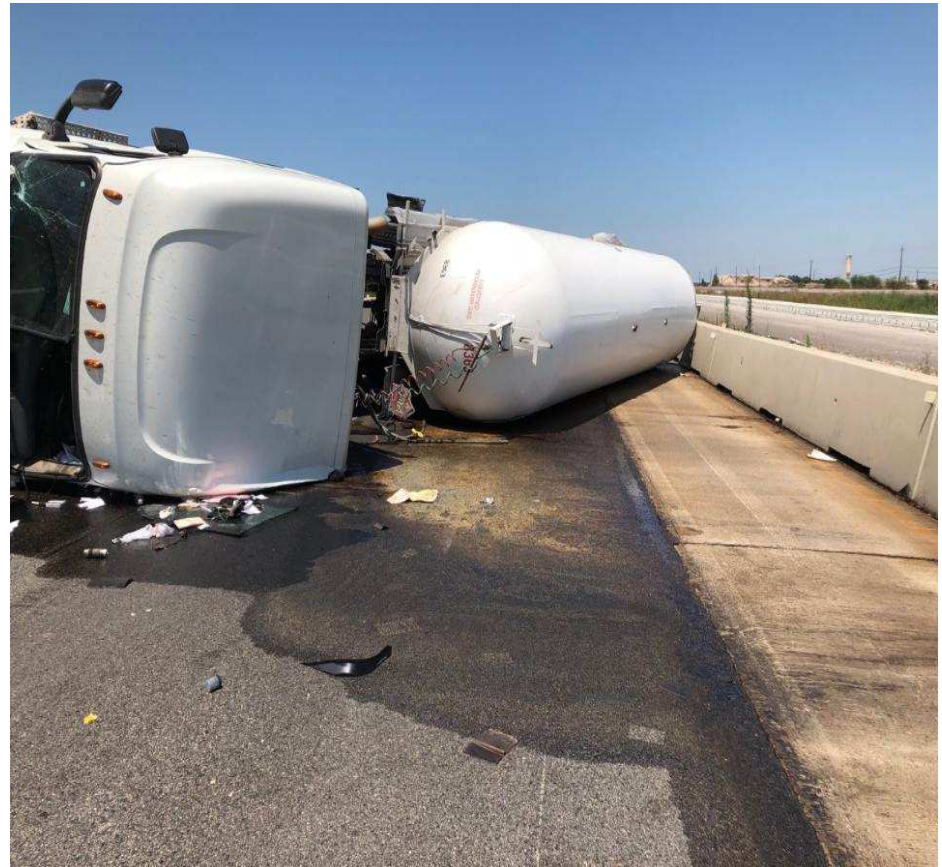
# Top 5 HM Roadside Violations

<b>Violation Code</b>	<b>Violation Description</b>	<b># of Inspections</b>	<b># of Violations</b>	<b>% of Total Violations</b>
177.834(a)	Package not secure in vehicle	3705	3851	10.03%
107.620(b)	No Copy Of US Dot Hazardous Materials Registration Number	2739	2739	7.13%
177.817(e)	Shipping paper accessibility	2415	2429	6.33%
177.817(a)	No or improper shipping papers (carrier)	1968	2026	5.28%
172.516(c)(6)	Placard damaged, deteriorated, or obscured	1882	1979	5.15%



# Research: Rollover Prevention Human Factors

- Focus is on best practices for prevention – not “why did the crash occur”
- Phase I wrapped up in September
- Phase II to follow: Best practices document to be produced





# Research: Triple Issues Study

- The issues:
  - Roadside Identification of Cargo Tank Facilities
  - Cargo Tank VIN's for Tracking
  - Adequacy of Mobile Testing Facilities



## Research: CTAG Members

- American Trucking Associations
- Burch Tank
- ConleyComm
- Essential Factor
- Exosent Engineering
- Federal Motor Carrier Safety Administration HM Program Managers
- Great West Casualty Company
- National Tank Truck Carriers
- National Tank Services
- Pipeline and Hazardous Materials Safety Administration
- Truck Trailer Manufacturers Association
- Transport Canada, Transportation of Dangerous Goods (TDG)
- Treadway
- Trimac Transportation
- Wabash National



# Triple Issues Study - Recommendations

- Develop a systematic data collection system for cargo tank facilities
- Improve data collection on life cycles of cargo tanks (TankFax)
- Create risk prioritization model for cargo tank facilities
- Better identify and limit mobile facilities functions
- Improve internal FMCSA chain-of-command for HM Enforcement
- Improve training for enforcement personnel
- Develop and conduct a pilot program for TankFax





# Thanks, and What'd he say?

Paul Bomgardner  
Chief  
HM Division  
USDOT/FMCSA

202-493-0027  
[paul.bomgardner@dot.gov](mailto:paul.bomgardner@dot.gov)

