



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

FEB 24 2016

Mr. Elliot Apland  
Crude Oil Sales Representative  
455 N. Poplar  
P.O. Drawer 2360  
Casper, WY 82601

Reference No. 15-0175

Dear Mr. Apland:

This responds to your August 17, 2015 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically, you provide a sample bill of lading (BOL) for a crude oil rail shipment and outline the roles of several parties involved in the shipment.

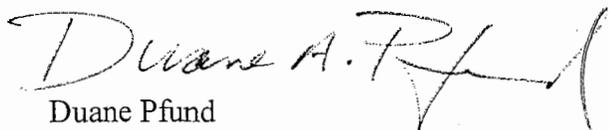
You state in your email that Company A owns the crude oil and railcars. Company C owns the crude oil loading unit train terminal in Wyoming. Company C has a contractor, Contractor 1, who provides moving and loading services at the loading terminal. Contractor 1 arranges for Company A's crude to be loaded into Company A's railcars and prepares the railcars for shipment, including preparing shipping papers. Contractor 1 signs the certification indicating everything was done in accordance with the regulations. You ask if the Pipeline and Hazardous Materials Safety Administration (PHMSA) takes exception with listing Company A as the shipper on the BOL.

The answer is no. Company A may be listed as the shipper on the BOL. Under the HMR, any person performing functions of an offeror, as defined in § 171.8, must take responsibility for performing those functions in accordance with the applicable requirements. Based on your description, Contractor 1, at the direction of or through contractual arrangement with Company C, performs offeror (shipper) functions, such as preparing the railcars for shipment

and signing the certification. Listing Company A as the shipper on the BOL does not necessarily relieve Contractor 1 or Company C of its offeror responsibilities. The degree of regulatory liability is usually determined on a case-by-case basis and is dependent on the facts of the specific situation.

I hope this satisfies your inquiry. Please feel free to contact us if you need further assistance.

Sincerely,

A handwritten signature in black ink that reads "Duane A. Pfund". The signature is written in a cursive style with a large, sweeping initial "D".

Duane Pfund  
International Standards Coordinator  
Office of Standards and Rulemaking

Antonelli  
174.24  
Shipper  
15-0175

**Goodall, Shante CTR (PHMSA)**

---

**From:** Foster, Glenn (PHMSA)  
**Sent:** Monday, August 17, 2015 10:21 AM  
**To:** Wolsey, Shawn (PHMSA); Betts, Charles (PHMSA)  
**Cc:** Dodd, Alice (PHMSA); Goodall, Shante CTR (PHMSA)  
**Subject:** RE: "Shipper" question information 8-13-15

Hello Shawn.

Not a problem. I will have the inquiry below checked in as a request for interpretation.

Thanks,  
Glenn

-----Original Message-----

**From:** Wolsey, Shawn (PHMSA)  
**Sent:** Monday, August 17, 2015 10:19 AM  
**To:** Betts, Charles (PHMSA)  
**Cc:** Foster, Glenn (PHMSA)  
**Subject:** FW: "Shipper" question information 8-13-15

Good morning Gentlemen,  
Could you set this in to have an interpretation drafted?

Thanks,

Shawn

Shawn C. Wolsey  
Pipeline and Hazardous Materials Safety Administration Senior Attorney-Advisor Hazardous Materials Safety Law  
Division  
1200 New Jersey Avenue, SE.,  
PHC-10, Room E24-320  
Washington, D.C. 20590  
(202) 366-0299 (Phone)  
(202) 366-7041 (Fax)

[shawn.wolsey@doh.gov](mailto:shawn.wolsey@doh.gov)

This transmission may contain material that is confidential, privileged, and/or attorney work product for the sole use of the intended recipient. Any review, reliance, or distribution by others or forwarding without express permission is strictly prohibited. Public availability is to be determined pursuant to the Freedom of Information Act, 5 USC 552.

-----Original Message-----

**From:** Elliot Apland [<mailto:elliott.apland@truecos.com>]  
**Sent:** Thursday, August 13, 2015 3:26 PM  
**To:** Wolsey, Shawn (PHMSA)  
**Subject:** "Shipper" question information 8-13-15

Shawn, Please see the below updated question/attachment for the standards group.  
Thank you for your time again today.  
Elliot

Attached is a sample BOL outlining the parties I will be discussing.

COMPANY C owns a crude loading unit train terminal in Wyoming. COMPANY C has a contractor, CONTRACTOR 1, who provides the train moving and railcar loading services at the loading terminal. In the case of this sample BOL, we are working with COMPANY A on this particular train.

COMPANY C arranges for COMPANY A's oil to be transported into one of the rail facility's loading tanks via pipeline (no trucks involved).

COMPANY A owns the oil throughout the entire scenario.

COMPANY C has a lab(s) that carries out our quality testing and classification program and that information is shared with CONTRACTOR 1.

COMPANY A schedules their railcars with BNSF Railway to arrive at the facility to be filled with their crude oil.

Once the train arrives, CONTRACTOR 1 arranges for COMPANY A's crude to be moved from the loading tank to the loading rack and into COMPANY A's railcars.

CONTRACTOR 1 secures the railcars and gets it ready for shipment.

CONTRACTOR 1 prepares the shipping papers.

COMPANY A has provided the emergency response numbers to COMPANY C and COMPANY C has passed that to CONTRACTOR 1 in order to put on shipping paper.

CONTRACTOR 1 and COMPANY A review the shipping paper to verify compliance.

CONTRACTOR 1 manager (Anthony Fike) signs the certification indicating everything was done according to regulations.

As you can see on the BOL, COMPANY A is listed as the Shipper/Consignee, Care Of Party is COMPANY B (destination), Third Party payer of freight is COMPANY C, shipped from the Account Of CONTRACTOR 1, and Ship From COMPANY C.

Based on the above information, does PHMSA take any exception to the BOL and specifically any exception to who is listed as the Shipper? Any other comments/Questions?

Thanks for your time,  
Elliot

Elliot Apland  
Crude Oil Sales Representative  
455 N Poplar  
PO Drawer 2360  
Casper, WY 82601  
307-266-0426 office  
303-990-0730 mobile  
[Elliot.Apland@truecos.com](mailto:Elliot.Apland@truecos.com)

Consignee	COMPANY A	MONTREAL	PQ H1B5B4
	3500 BROADWAY		
Care Of	COMPANY B	EAST MONTREAL	PQ H1B 5B4
	3500 BROADWAY		
Third Party Pay	COMPANY C	CASPER	WY 82602
	455 N POPLAR ST		
Account of	CONTRACTER 1	CLARKS	NE
Canadian Customs Broker	CHARTER CANADA BROKERAGE	CALGARY	AB T2P
3N3			
	140-4TH AVENUE SW		
	SUITE 2610		
Ship From	COMPANY C	FT LARAMIE	WY 82212

Origin:	FT LARAMIE	WY	Prepared by:	ANTHONY FIKE
Destination:	MONTREAL	PQ	Phone Number:	307-701-0057
Sec 7 (Y/N):	No			
Freight Charges:	"To Be Prepaid"		Patron Code:	

Route:	BNSF CHGO CN.			
Origin Switch Road:		Junction:		Delivery Switch Road:
Rule 11 (Y/N):	No			
Contract(s) #:	-			
PETROL	4910191	Loaded	100	Tank Car No Weights
US Census Exemption Number:	NDR 3036			

Estimated Weights.  
18,992,400 Pounds

HAZARDOUS MATERIALS  
100Tank // 30,450 Gallon  
UN1267 // PETROLEUM CRUDE OIL  
3 // PG I

ERP 2-1933-029 TEL 403-296-3000  
24 EMERGENCY CONTACT LPGERC 800-265-0212

EMERGENCY CONTACT : 403-296-3000  
SHIPPER CONTACT : COMPANY A  
HAZMAT STCC = 4910191

This is to certify that the above-named materials are properly classified, described, packaged, marked and labeled, and are in proper condition for transportation according to the applicable regulations of the department of transportation.

ANTHONY FIKE - CONTRACTER 1

BNSFC 310038-XXX  
BNSFC 310039  
BNSFC 310207

INIT NUMBER	WEIGHT	SEALS	DUNNAGE REFERENCE
CTCX 743837	189924		0
CTCX 743842	189924		0
CTCX 743848	189924		0
CTCX 743841	189924		0
CTCX 743839	189924		0
CTCX 743665	189924		0
CTCX 743546	189924		0
CTCX 743651	189924		0
CTCX 743642	189924		0
CTCX 743654	189924		0
CTCX 743561	189924		0
CTCX 743551	189924		0
CTCX 743570	189924		0
CTCX 743845	189924		0
CTCX 743823	189924		0
CTCX 743815	189924		0
CTCX 743818	189924		0
CTCX 743826	189924		0

BILL OF LADING

Shipper	COMPANY A	FT LARAMIE	WY
Consignee	COMPANY A 3500 BROADWAY	MONTREAL	PQ H1B5B4
Care Of	COMPANY B 3500 BROADWAY	EAST MONTREAL	PQ H1B 5B4
Third Party Pay	COMPANY C 455 N POPLAR ST	CASPER	WY 82602
Account of	CONTRACTOR 1	CLARKS	NE
Canadian Customs Broker	CN CUSTOMS BROKERAGE SERVICES 55 DEVON ROAD	MISSISSAUGA	ON L6T 5B6
Ship From	COMPANY C	FT LARAMIE	WY 82212

Origin:	FT LARAMIE	WY	Prepared by:	ANTHONY FIKE
Destination:	MONTREAL	PQ	Phone Number:	307-701-0057
Sec 7 (Y/N):	No			
Freight Charges:	"To Be Prepaid"		Patron Code:	

Route:	BNSF CHGO CN		
Origin Switch Road:	Junction:	Delivery Switch Road:	
Rule 11 (Y/N):	No		
Contract(s) #:	-		
SAND, INDUSTRIAL	1441310	Loaded 2	Tank Car No Weights
US Census Exemption Number: NDR 3036			

Estimated Weights  
160,000 Pounds

Buffer Car

BNSFC 310038-XXX  
BNSFC 310039  
BNSFC 310207

INIT NUMBER	WEIGHT	SEALS	DUNNAGE REFERENCE
BNSF 808651	80000		0
BNSF 808046	80000		0

BILL OF LADING

Shipper	COMPANY A	FT LARAMIE	WY
---------	-----------	------------	----

CTCX	743809	189924	0
CTCX	743830	189924	0
CTCX	743554	189924	0
CTCX	743537	189924	0
CTCX	743587	189924	0
CTCX	743618	189924	0
CTCX	743609	189924	0
CTCX	743535	189924	0
CTCX	743553	189924	0
CTCX	743584	189924	0
CTCX	743616	189924	0
CTCX	743731	189924	0
CTCX	717799	189924	0
CTCX	717790	189924	0
CTCX	717789	189924	0
CTCX	717786	189924	0
CTCX	717820	189924	0
CTCX	717838	189924	0
CTCX	743849	189924	0
CTCX	743822	189924	0
CTCX	743851	189924	0
CTCX	743850	189924	0
CTCX	743816	189924	0
CTCX	743811	189924	0
CTCX	743805	189924	0
CTCX	743835	189924	0
CTCX	743840	189924	0
CTCX	743847	189924	0
CTCX	743810	189924	0
CTCX	743844	189924	0
CTCX	743843	189924	0
CTCX	743578	189924	0
CTCX	743573	189924	0
CTCX	743657	189924	0
CTCX	743704	189924	0
CTCX	743824	189924	0
CTCX	743586	189924	0
CTCX	743681	189924	0
CTCX	743743	189924	0
CTCX	743729	189924	0
CTCX	743679	189924	0
CTCX	743685	189924	0
CTCX	743694	189924	0
CTCX	743608	189924	0
CTCX	743838	189924	0
CTCX	743853	189924	0
CTCX	743846	189924	0
CTCX	743832	189924	0
CTCX	743648	189924	0
CTCX	743624	189924	0
CTCX	743619	189924	0
CTCX	743814	189924	0
CTCX	743638	189924	0
CTCX	743747	189924	0
CTCX	743775	189924	0
CTCX	743773	189924	0
CTCX	743622	189924	0
CTCX	743735	189924	0
CTCX	743688	189924	0
CTCX	743650	189924	0
CTCX	743819	189924	0
CTCX	743821	189924	0
CTCX	717061	189924	0
CTCX	743854	189924	0
CTCX	743827	189924	0
CTCX	743831	189924	0
CTCX	743727	189924	0
CTCX	743567	189924	0
CTCX	743531	189924	0
CTCX	743598	189924	0
CTCX	743568	189924	0
CTCX	717926	189924	0
CTCX	743799	189924	0
CTCX	743655	189924	0
CTCX	743658	189924	0

CTCX 743701 189924	0
CTCX 743751 189924	0
CTCX 743607 189924	0
CTCX 743852 189924	0
CTCX 743817 189924	0
CTCX 743833 189924	0
CTCX 743836 189924	0