

June 10, 2009



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 14689

EXPIRATION DATE: April 30, 2011

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Trinity Industries, Inc.
Dallas, TX
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of certain DOT Specification MC-331 cargo tank motor vehicles manufactured to the DOT MC-331 specification except that the cargo tanks have baffle support clips welded directly to the inside of the cargo tank wall without the use of pads. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein. The most recent revision supersedes all previous revisions.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 178.337-3(g) in that baffle support clips welded to the inside of the cargo tank wall without the use of pads is not authorized, except as specified herein; and §§ 172.203(a) and 172.302(c) in that requirements to mark the shipping papers and cargo tanks with the special permit number are waived.

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5. BASIS: This special permit is based on the application of Trinity Industries dated April 3, 2008, and additional information of June 28, 2008 submitted in accordance with § 107.105 and the public proceeding thereon.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Materials authorized for DOT MC-331 Specification Cargo Tanks	Various	Various	Various

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Prescribed packagings are DOT Specification MC-331 cargo tank motor vehicles consisting of cargo tanks manufactured by Trinity Industries between 1996 and 2006 with baffle support clips welded directly to the inside of the cargo tank wall without the use of pads.

b. INSPECTIONS AND TESTS - As part of the pressure test required by § 180.407(g), the required internal inspection must include a detailed inspection of appurtenances (baffles, bolting, clips, pads, piping or other internals), their attachment to the cargo tank wall and the interior wall of the cargo tank.

(1) Baffles that cannot be inspected as installed shall be detached or removed for inspection and evaluation.

(2) The area of direct weld attachment to the shell of baffles, or clips must be inspected for cracking, corrosion, weld defects or other defects that may cause the baffle or clip to detach from the shell. Non-ferrous baffles or clips must be examined by the Liquid Penetrant method; ferrous baffles or clips within Quenched and Tempered or Non-Quenched and Tempered cargo tanks must be examined by the Wet Fluorescent Magnetic Particle method. Non-Destructive Examination (test methodology, tester qualifications, and documentation) must be in accordance with ASME Section V.

(i) Any cracked or corroded clips must be replaced with material whose properties are equivalent to that of the cargo tank wall, or a material approved by a Design Certified Engineer (DCE).

(ii) Any damaged, cracked or corroded baffles attached directly to the shell must be repaired, or replaced.

(3) Clip supported baffles must be inspected for cracking, corrosion, weld defects, or distortion that would allow the entire baffle or any part of the baffle to become detached from any of its anchor points. Particular attention must be given to bolt holes that indicate they are enlarged from original shape or size. Bolting that is worn must be replaced.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who owns a cargo tanks motor vehicle covered by this special permit may continue to use it once it has been inspected or repaired in conformance with this special permit and the HMR.

b. A repair facility may test and repair a cargo tank motor vehicle covered by this special permit.

c. A current copy of this special permit must be maintained at each repair facility where the cargo tank motor vehicle is tested or repaired.

d. Each person performing an inspection or repair of a cargo tank in accordance with this special permit must prepare a test report, identifying the results of the inspection and a summary of the repairs, in accordance with the requirement in § 180.417(b).

e. Copies of the test report prepared under this special permit must be made available in accordance with the requirements in § 180.417(d).

f. MARKING - The requirements of § 172.203(a) to mark the special permit number on the shipping papers and the requirement of § 172.302(c) to mark the special permit number on the cargo tanks are waived.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
10. MODAL REQUIREMENTS: None, as a requirement of this special permit.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
 - o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
 - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)- "The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Theodore L. Willke
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, Department of Transportation, Washington, D.C. 20590. Attention: PHH-31.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: SSTANISZEWSKI