



Tank Vehicle Definition Guidance



On May 24, the Federal Motor Carrier Safety Administration issued guidance relating to its May 2011 definition of a tank vehicle. That new definition captured many vehicles that are not, in the traditional sense, tank vehicles due to the fact that they lack actual tanks. Rather, FMCSA's definition expanded to cover loads containing bulk containers (greater than 119 gallon capacity) with an aggregate capacity of 1,000 gallons or more. The [May 24 guidance](#) from the FMCSA is available in full online in the *Federal Register*. The main points of the guidance are summarized below:

Does the new definition cover intermodal bulk containers (IBCs)?

- Yes, if the IBCs being hauled are greater than 119 gallon capacity and have a total capacity of 1,000 gallons or more.
- Only containers with a capacity greater than 119 gallons count towards the 1,000 gallon total.
- Drivers that will, on occasion, move loads of bulk tanks with an aggregate capacity of greater than 1,000 gallons will need to obtain a tank vehicle endorsement.

Does the method of load securement control whether or not certain cargo forces the truck to 'become' a tank vehicle?

- No, the method of load securement does not control whether or not the cargo forces the truck to 'become' a tank vehicle.
- The final rule determined that any bulk tanks that were 'permanently or temporarily attached to the chassis' would count towards the 1,000 gallon capacity trigger. Many carriers had questions regarding whether or not tanks that were blocked and braced with other cargo would be considered attached. The agency has ruled that they will be.
- The aggregate capacity of the tanks, not the details of their securement, determines the applicability of the rule.

Does the definition of a tank vehicle cover tanks that are manifested as empty or as residue?

- No, tanks that are manifested as either being empty or as residue on a bill of lading are not considered in the rule.
- Tanks manifested as empty or as residue do not count towards the 1,000 aggregate gallon threshold for a tank vehicle endorsement.
- The definition of a tank vehicle also does not cover the transportation of empty storage tanks of 1,000 gallons or more either, provided that the storage tanks are not designed for storage in transport but for storage at a fixed location.

ATA Actions

This guidance was spurred by the actions of many industry actors, including a petition for rulemaking filed by ATA that suggested a different definition of a tank vehicle. FMCSA granted ATA's petition and will initiate a rulemaking to adopt ATA's definition or at least some part of it at a later date. This guidance does not represent the agency's final rulemaking in response to ATA's petition. ATA understands that FMCSA's guidance can only interpret the definition of a tank vehicle it is utilizing until the new definition can be adopted and is pleased that the agency has agreed that empty tanks do not need to be regulated under the current definition. ATA further hopes that this is a sign that FMCSA agrees with the points raised in our petition and will be moving forward to adopting the other portions of our suggested tank vehicle definition—a definition that was drafted to maximize operational flexibility without compromising safety.