



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

APR 16 2008

Mr. Jeffrey M. Welsh.  
Materials Handling Group, Inc.  
5200 Martin Luther King Jr. Highway  
Greenville, NC 27834

Ref. No.: 08-0038

Dear Mr. Welsh:

This is in response to your February 6, 2008 letter concerning the placarding requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and driver licensing and endorsement requirements. Specifically, you ask (1) if placards are required to be displayed for shipments of forklifts described on a shipping paper as "UN3171, Battery-powered vehicle, 9," or "UN3166, Vehicle, flammable gas (or flammable liquid) powered, 9"; and, (2) if a driver carrying these forklifts must have a commercial driver's license (CDL) with a hazmat endorsement.

Based on the information in your letter, battery-powered and flammable gas (or liquid) powered forklifts are appropriately described as Class 9 (Miscellaneous) hazardous materials. For Class 9 (Miscellaneous) hazardous materials, placards are not required to be displayed for domestic transportation, including that portion of international transportation, that occurs within the United States (see § 172.504(f)(9)).

Requirements for drivers to possess a CDL with a hazmat endorsement are maintained by the Federal Motor Carrier Safety Administration (FMCSA) in 49 CFR Part 383. Questions regarding FMCSA regulations should be directed to the appropriate FMCSA field office. A list of FMCSA field offices and contact information is available at: <http://www.fmcsa.dot.gov/about/contact/offices/displayfieldroster.asp>

I hope this information is helpful. Please contact us if you require additional assistance.

Sincerely,

John A. Gale  
Chief, Standards Development  
Office of Hazardous Materials Standards

5200 Martin Luther King Jr. Highway  
Greenville, NC 27834  
252-931-5274, Fax 252-931-5355, e-mail: [agjwelsh@nmhg.com](mailto:agjwelsh@nmhg.com)

February 6, 2008

Hattie L. Mitchell  
Chief, Regulatory Review and Reinvention  
Office of Hazardous Materials Standards  
U.S. Department of Transportation  
Pipeline and Hazardous Materials Safety Administration (PHMSA)  
PHH-10  
1200 New Jersey Avenue, SE East Building, 2nd Floor  
Washington, DC 20590

Eichenlaub  
§172.504(f)(9)  
§171.8  
Placarding  
08-0838

Re: Request for Interpretation

Dear Ms. Mitchell:

NACCO Materials Handling Group, Inc. is a manufacturer of fork lift trucks. When placed with a carrier for transportation, the forklifts are listed on the bill of lading as either Class 9 hazardous materials – "Battery-Powered Vehicle" (UN 3171) or "Vehicle, Flammable Gas (or Liquid) Powered" (UN3166), depending upon the type of forklift. A carrier has notified us that it is their understanding of the regulations that the drivers used for these loads must possess a hazardous materials license to transport forklift trucks (which would result in increased transportation costs).

It is our understanding that requirements for commercial drivers licenses (CDLs) are contained in regulations issued by the Federal Motor Carrier Safety Administration (FMCSA) under 49 CFR Part 383 et. seq. These regulations require drivers who transport hazardous materials shipments for which a placard is required under the Hazardous Materials Regulation to obtain a CDL with a hazardous materials endorsement. 49 CFR Part 172.504(f)(9) states "For Class 9, a placard is not required for domestic transportation, including that portion of international transportation, defined in §171.8, which occurs within the United States."

Accordingly, we are requesting an interpretation of these regulations. Is a CDL with a hazardous materials endorsement required for transporting forklift trucks containing a battery or internal combustion engine? Or based on the regulations referenced above, may forklift trucks, classified under Class 9, be transported without a placard and thus by a driver without a hazardous material endorsement on the driver's CDL?

Thank you for your assistance. Please let me know if I may provide additional detail concerning this inquiry. Your prompt response would be appreciated.

Sincerely,

  
Jeffrey M. Welsh

Senior Safety and Environmental Engineer