



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

MAR 28 2008

Mr. Brian Arnold
Kubota Manufacturing of America
2715 Ramsey Road
Gainesville, GA 30501

Reference No. 08-0045

Dear Mr. Arnold:

This is in response to your e-mail transmission requesting clarification of the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the shipment of utility vehicles with gasoline fuel systems. You state that you will be transporting utility vehicles with fully closed and sealed gasoline fuel systems with non-vented caps via tractor trailer or rail car and that the fuel systems will contain less than 500 mL (17 ounces) of gasoline. You ask us to confirm your understanding of the HMR that § 173.220(b)(1) authorizes the fuel tank, engine components or fuel lines to contain up to 500 mL of gasoline provided they are securely closed to prevent leakage of fuel during transportation. You also ask us to confirm your understanding that § 173.220(b)(4)(i) authorizes more than 500 mL of gasoline for self-propelled vehicles and mechanical equipment being transported by motor vehicle or rail car provided the fuel tanks are securely closed.

You are correct in your understanding of § 173.220(b)(1) and (b)(4)(i). In addition to the fuel system being securely closed in a manner to prevent leakage of fuel during transportation, any batteries must conform to the applicable conditions in § 173.220. Provided there are no other hazardous materials, except for those that are integral to the vehicle or for safety reasons must be securely installed in the vehicle (see § 173.220(e)), utility vehicles that meet the applicable provisions in § 173.220 are not subject to any other requirements under the HMR (see § 173.220(g)) when transported by motor vehicle or rail car.

I hope this information is helpful. Please contact this office if you have additional questions.

Sincerely,

Hattie L. Mitchell
Chief, Regulatory Review and Reinvention
Office of Hazardous Materials Standards

Mc Intyre
§173.220(b)(1)
§173.220(b)(4)(i)
Engines
08-0045

Drakeford, Carolyn <PHMSA>

From: INFOCNTR <PHMSA>
Sent: Thursday, February 21, 2008 8:56 AM
To: Drakeford, Carolyn <PHMSA>
Subject: FW: official interpretation of §173.220 regulations

From: Mike Foster [mailto:fosterm@kubota-kma.com]
Sent: Wednesday, February 20, 2008 4:42 PM
To: Special Permits <PHMSA>
Subject: official interpretation of §173.220 regulations

To Whom It May Concern:

Kubota Manufacturing of America is a manufacturing facility in Gainesville, GA that currently produces sub compact tractors, lawn mowers and four wheel drive utility vehicles. Currently most of our models are driven by diesel engines. Kubota Manufacturing of America does produce a gasoline model lawn mower with a vented gasoline cap and fuel system, which is currently shipped with a new gasoline tank (zero residual fuel) in accordance with DOT regulations §173.220(b)(1) and §173.00(b)(4)(i).

Kubota is in the process of developing a new model four wheel drive gasoline driven utility vehicle which will have a fully closed and sealed gasoline fuel system with a non-vented cap, similar to what would be found on a standard automobile. It is our understanding that in accordance with §173.220(b)(1), the fuel tank, engine components or fuel lines may contain up to 500 mL of fuel (gasoline) if they are “securely closed to prevent leakage of fuel during transportation” Additionally, §173.220(b)(4)(i) permits more than 500 mL of fuel to remain in the fuel tank of self-propelled vehicles and mechanical equipment if transported by motor vehicle or rail car and the fuel tanks are “securely closed.”

It is our intent and desire to leave a small amount of gasoline in the fuel system (less than 500 mL) for the purpose of loading and unloading the product onto tractor trailers for shipment. It would be appreciated if you could provide an official confirmation or correction of our interpretation of §173.220 allowing Kubota Manufacturing of America to ship units with a closed cap fuel system with less than 500 mL of gasoline via tractor trailer or rail car. Should you have any questions or need additional information, please do not hesitate to contact me at (404)735-8614.

Very truly yours,

Brian Arnold
2715 Ramsey Road
Gainesville, Georgia 30501
Director, Manufacturing
Kubota Manufacturing of America