



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

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

JAN 16 2009

Ms. Renee Siegel
Director, Environmental Health & Radiation
Safety Department
University of the Sciences in Philadelphia
600 South 43rd Street
Philadelphia, PA 19104

Reference Number 08-0244

Dear Ms. Siegel,

This is in response to your request for clarification of the applicability of the Hazardous Materials Regulations (49 CFR Parts 171-180) to the University of Sciences in Philadelphia's transportation of hazardous materials. You state that the University is not a state agency, but that the hazardous materials are transported on or across roads that are publicly accessible. You ask whether such transportation is subject to the HMR and, if so, whether it is acceptable for a University employee to restrict access.

Generally, transportation of hazardous materials by employees of a private college or university is considered commercial transportation for purposes of the HMR and, thus, is subject to all applicable HMR requirements. However, in accordance with § 171.1(d)(4), the HMR do not apply to rail or motor vehicle movements of a hazardous material exclusively within a contiguous facility boundary where public access is restricted except to the extent that the hazardous materials are transported on or across public roads. Use of a red traffic signal, gates, or similar road closure to deny public access to a public highway utilized for movements of hazardous materials makes the portion of the highway to which access is restricted private. A University employee who restricts access is an acceptable method of control. Thus, for transportation of hazardous materials by University employees on University grounds that utilizes or crosses a public road, the HMR do not apply if access to the public roads is controlled by a University employee during the time that the hazardous material crosses the public road.

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

Department of Environmental Health
and Radiation Safety



Philadelphia College of Pharmacy
Misher College of Arts and Sciences
College of Health Sciences
College of Graduate Studies
Mayes College of Healthcare Business and Policy

October 2, 2008

Office of Hazardous Materials Standards,
Pipeline and Hazardous Materials Safety Administration
U. S. Department of Transportation
East Building
1200 New Jersey Avenue, SE
Washington, D. C. 20590-0001

McIntyre
§ 171.1

Applicability
08-0244

Attention: PHH-10

To Whom It May Concern:

I am writing to obtain clarification of the Hazardous Materials Regulations (49CFR Parts 171-180) as it applies to the University of the Sciences in Philadelphia. We are considering moving radioactive waste and hazardous waste across, and along for a short interval, a public road. Once across the road, we are traveling on our own private road. The waste materials will be transported by University employees, in University vehicles, for non-commercial purposes. Also, we are not a State University, but we are a non-profit institution. Therefore, is it required that we package, label and mark the waste, placard the vehicle, provide training, etc. according to the HMR if the waste fits into DOT's 9 hazard classes?

Additionally, the intersection that must be crossed has a traffic light. If it is required that we comply with the regulation, would we be excluded from the regulation with the use of a traffic light and by having a University Public Safety Officer or an employee from the Safety Department temporarily stop traffic at the intersection?

If additional information is required, please do not hesitate to contact me at 215-596-8925 or via e-mail at r.siegel@usp.edu. Thank you in advance for your assistance in this matter.

Sincerely,

Renee Siegel, Director
Environmental Health & Radiation Safety Dept.
University of the Sciences in Philadelphia
600 South 43rd Street
Philadelphia, Pa. 19104

RS/a

Founded in 1821 as the
Philadelphia College of Pharmacy

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