



U.S. Department
of Transportation

Pipeline and Hazardous Materials
Safety Administration

1200 New Jersey Ave., SE
Washington, DC 20590

JAN 08 2009

Ms. Susan Grover
Environmental Health and Safety
University of Chicago
5640 South Ellis Avenue
Chicago, IL 60637

Reference No. 08-0268

Dear Ms. Grover:

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 Chicago's transportation of hazardous materials. You state that the University of Chicago is not a state agency, but that the hazardous materials are transported on University grounds that are publicly accessible. Your understanding of the HMR is that any transportation of hazardous materials within University-owned buildings in University vehicles, is excepted from the HMR, including vehicle placarding requirements, provided the materials stay within the control of University employees the entire time. You state that the hazardous materials are not being transported in commerce.

Your understanding is not correct. 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. This includes transportation of hazardous materials on University grounds that are publicly accessible. Note, however, that, 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.

I hope this information is helpful. Please contact this office should you have further questions.

Sincerely,

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



The University Of Chicago
.Risk Management, Audit and Safety.
Environmental Health and Safety
5640 South Ellis Avenue, Chicago, Illinois 60637

McIntyre
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Applicability
08-0268

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October 14, 2008

U.S. Department of Transportation
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Re: Applicability of Hazardous Material Regulation

To Whom It May Concern:

My question is regarding the applicability of the Hazardous Material Regulations (HMR; 49 CFR 171-180) to the University of Chicago. I have reviewed the PHMSA Response Letter dated February 13, 2004 (Reference No. 03-0326), which appears to be a similar issue. The University of Chicago is also not offering hazardous materials for transportation in commerce. However, the University of Chicago is not a state agency or local jurisdiction, as was the subject of the aforementioned letter.

University employees, using University-owned vehicles, regularly transport University-owned hazardous materials between research buildings on its campus. The University's main campus is publicly accessible and is not guarded by signals, lights, or gates. We have posed the question of applicability to US DOT via telephone in the past and received the opinion that any transport of hazardous materials within University-owned buildings in University vehicles, provided the materials stay within the control of University employees the entire time, is exempt from the HMR, including vehicle placarding requirements. I am writing now in order to get a written response from US DOT on this issue.

I look forward to hearing your interpretation on the HMR as to whether it does or does not apply to the University of Chicago. Thank you,

Sarah Grover

Sarah Grover
Environmental Health and Safety
University of Chicago