



U.S. Department of Transportation  
**Pipeline and Hazardous Materials  
Safety Administration**

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

APR - 9 2010

Mr. Patrick Hammer  
Freight Runners Express, Inc.  
1901 E. Layton Avenue  
Milwaukee, WI 53207

Ref. No. 09-0128

Dear Mr. Hammer:

This responds to your May 15, 2009 request for clarification of §§ 175.33 and 175.75 in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180.) Specifically, you ask for clarification of the definitions for “readily available” in § 175.33(c)(3) and “small aircraft” in § 175.75(e)(4).

For hazardous materials transported by aircraft, § 175.33(c) requires an aircraft operator to retain a copy of the shipping paper and notification of pilot in command and to have the information readily accessible at the airport of departure and airport of intended arrival for the duration of the flight. For purposes of this section, “readily available” means available for use to the personnel on duty at the airport of departure and the airport of arrival while the aircraft is in flight. You may need to make special arrangements with the airports in question to ensure that airport personnel receive the information and can make it available to emergency response personnel in the event of an incident.

Section 175.75(e) provides exceptions from certain loading and segregation requirements for certain types of hazardous materials shipments. Paragraph (e)(4) refers only to those packages carried on a small, single-pilot, cargo aircraft. You also asked whether a “small aircraft” meant an aircraft weighing 12,500 pounds and under, or an aircraft with only one pilot. A “small aircraft” has the same meaning as specified in the Federal Aviation Administration regulations at 14 CFR, Part 1, which define a small aircraft as one that is less than 12,500 lbs maximum certificated takeoff weight.

I hope this answers your inquiry.

Sincerely,

Charles E. Betts  
Chief, Standards Development  
Office of Hazardous Materials Standards

Boothe  
\$175.33  
\$175.75

**Drakeford, Carolyn <PHMSA>**

**From:** INFOCNTR <PHMSA>  
**Sent:** Friday, May 15, 2009 4:37 PM  
**To:** Drakeford, Carolyn <PHMSA>  
**Subject:** FW: Hazmat Information Center Feedback: Aircraft (Sections 175.1 &dash; 175.706)

Shipping Papers  
09-0128

-----Original Message-----

From: PHMSA-Feedback [mailto:PHMSA-Feedback]  
Sent: Friday, May 15, 2009 4:34 PM  
To: PHMSA HM InfoCenter; PHMSA Webmaster  
Subject: Hazmat Information Center Feedback: Aircraft (Sections 175.1 &dash; 175.706)

175.33(c)(3) states, "The aircraft operator must have the information required to be retained under this paragraph (we interpret this to mean the shipping papers and notification to the pilot-in-command) readily accessible at the airport of departure and the intended airport of arrival for the duration of the flight leg. How do you define readily available? Does this mean that someone has to be at the airport with that information or just the information is at the airport? For example a flight departs from XYZ airport with hazmat but the FBO is closed, can the pilot just slip the required information under the door and depart or does someone have to be there? Or if the flight is depart in to ABC airport and the pilot faxes the appropriate information to the destination FBO, but the employee there just throws the fax in the garbage who is responsible then? Or if no one is present at the arrival airport when the aircraft lands?

Also with regard to 175.75(e)(4) "Packages of hazardous materials carried on small, single pilot, cargo aircraft if:..." How do you define small aircraft? Does that mean 12,500lbs or less or does it just mean that the aircraft only has one pilot? For example a Beechcraft 1900 and a Metroliner have maximum gross takeoff weights over 12,500lbs, but only require one pilot do the exceptions apply to them or only to aircraft 12,500lbs and under?

Thank your for your time.

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