



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

1200 New Jersey Ave, S.E.
Washington, D.C. 20590

DEC 02 2009

Mr. Rex Railsback
Kansas Highway Patrol
1220 S. Enterprise
Olathe, KS 66061

Reference No. 09-0250

Dear Mr. Railsback:

This is in response to your electronic transmission requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) pertaining to the transportation of agricultural products between fields of the same farm. You ask whether a person may take advantage of the exception from the requirements of the HMR as provided in § 173.5(a) if temporary stops are made, such as to refill a bulk packaging with diesel fuel. The bulk packaging has a capacity greater than 502 gallons.

The exception from the requirements of the HMR may be taken provided all provisions in § 173.5(a) are met for transportation between fields of the same farm, including that all of the transportation, which encompasses a temporary stop to refill the bulk packaging, is intrastate transportation. The capacity of the packaging is not applicable.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Hattie L. Mitchell".

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

§ 173.5

McIntyre
§173.5(a)
Exceptions

09-0250

Drakeford, Carolyn (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, October 30, 2009 10:38 AM
To: Drakeford, Carolyn (PHMSA)
Subject: FW: Hazmat Information Center Feedback: Shippers-General Requirements for Shipments and Packagings (Sections 173.1 & 173.476)

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

From: PHMSA-Feedback [mailto:PHMSA-Feedback]
Sent: Thursday, October 29, 2009 3:37 PM
To: PHMSA HM InfoCenter; PHMSA Webmaster
Subject: Hazmat Information Center Feedback: Shippers-General Requirements for Shipments and Packagings (Sections 173.1 & 173.476)

I am asking for a written reply to the following question.

Ref. 173.5(a); in interpretation Ref. 99-0059 Question #2, PHMSA states that when a farmer is traveling between fields of the same farm, that "temporary stops are permitted".

With this interpretation in mind, if a farmer, transporting a bulk package of diesel fuel, capacity greater than 502 gallons, stops at the local COOP, while making an intrastate movement between fields of the same farm, to refill said bulk package, would this movement be exempt under 173.5(a)?

Thank you,

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