



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

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

DEC 21 2010

Mr. Steven P. Norbeck, CDS  
Safety Manager  
Boyle Transportation  
15 Riverhurst Road  
Billerica, MA 01821

Ref. No.: 10-0208

Dear Mr. Norbeck:

This responds to your September 21, 2010 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask if § 177.848(g)(3)(vi) refers to a transport vehicle or a motor vehicle.

Section 177.848(g)(3)(vi) was added in a final rule [64 FR 10742; Docket HM-215C] on March 5, 1999 entitled "Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions." While no explanation is provided in the final rule as to the intent of the term *vehicle*, the United Nations Recommendations on the Transport of Dangerous Goods (Sixteenth revised edition) Section 1.2.1 states that *vehicle* means "a road vehicle (including an articulated vehicle, i.e., a tractor and semi-trailer combination), railroad car or railway wagon. Each trailer shall be considered as a separate vehicle." The definition of *transport vehicle* in § 171.8 includes the clarifying phrase "...each cargo-carrying body (trailer, rail car, etc.) is a separate transport vehicle." Further, as you indicate in your letter, the term *transport vehicle* is used on three separate occasions in § 177.848(g) to distinguish the type of vehicle in which explosives must be segregated or must not be coloaded. For these reasons, we are of the opinion that the term *vehicle*, as used in § 177.848(g)(3)(vi), means transport vehicle. We intend to clarify this distinction in a future rulemaking.

I trust this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

Ben Supko  
Acting Chief, Standards Development Branch  
Standards and Rulemaking Division

Winter  
§ 177.848(g)  
Segregation  
10-0208

September 21, 2010

USDOT  
PHMSA Office of Hazardous Material Standards  
Attn: PHH-10  
East Building  
1200 New Jersey Avenue, SE  
Washington, DC 20590-0001

Dear Office of Hazardous Material Standards,

49CFR 177.848(g), instructions for using the compatibility table, refers to explosives carried on the same transport vehicle on three separate occasions. However, in 177.848(g)(3)(vi), when mentioning explosives in compatibility group G, the word vehicle is used by itself.

Does the word vehicle refer to a transport vehicle as found elsewhere in the text of 177.848(g), or does it refer to a motor vehicle?

Sincerely,



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