



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

April 24, 2024

Tom Forbes
Chief, Motor Carrier Enforcement
Ohio Public Utilities Commission
180 E. Broad Street
Columbus, OH 43215

Reference No. 24-0001

Dear Mr. Forbes:

This letter is in response to your January 4, 2024, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the ground clearance for Department of Transportation (DOT) Motor Carrier (MC) 300 series cargo tanks. You ask whether the landing gear and other attachments—under the reserved regulations for DOT MC 300 series cargo tanks (previously § 178.340-8(d)(2))—are considered components and/or protective devices that must maintain the minimum road clearance requirement of 12 inches.

The answer is yes. It is the opinion of this Office that, as it applies to DOT MC 300 series cargo tanks and the road clearance requirements specified in reserved § 178.340-8(d)(2), the landing gear and other attachments described in your email would be considered components of a DOT MC 300 series cargo tank and would require the minimum road clearance of 12 inches.

I hope this information is helpful. Please contact us if we can be of further assistance.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. Andrews".

Steven Andrews
Acting Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

From: [INFOCNTR \(PHMSA\)](#)
To: [Dodd, Alice \(PHMSA\)](#)
Cc: [Hazmat Interps](#)
Subject: FW: Written Interpretation Request
Date: Thursday, January 4, 2024 3:34:06 PM
Attachments: [image001.png](#)

24-0001

Hi Alice,

Please see the interpretation request below. Let us know if you need anything.

Sincerely,
Janaye

From: tom.forbes@puco.ohio.gov <tom.forbes@puco.ohio.gov>
Sent: Thursday, January 4, 2024 10:58 AM
To: PHMSA HM InfoCenter <PHMSAHMInfoCenter@dot.gov>
Cc: tom.forbes@puco.ohio.gov
Subject: Written Interpretation Request

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

HM Info Center:

I am requesting a written interpretation in reference to the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) and superseded regulations in Part 178.340 pertaining to ground clearance on MC-307, 307 & 312 and DOT 406, 407 & 412 Cargo Tank Motor Vehicles.

The superseded regulations for the 300 series cargo tanks in question state:

178.340-8(d)(2) Minimum road clearance: The minimum allowable road clearance of any cargo tank component or protective device located between any two adjacent axles on a vehicle or combination shall be at least one-half inch for each foot separating such axles and in no case less than 12 inches.

The current regulations 400 series in question state:

178.345-8(a)(5) Minimum road clearance. The minimum road clearance of any cargo tank motor vehicle component or protection device located between any two adjacent axles on a vehicle or vehicle combination must be at least one-half inch for each foot separating the component or device from the nearest axle of the adjacent pair, but in no case less than twelve (12) inches, except that the minimum road clearance for landing gear or other attachments within ten (10) feet of an axle must be no less than ten (10) inches. These measurements must be calculated at the gross vehicle weight rating of the cargo tank motor vehicle.

The superseded regulations state “cargo tank component” and the current regulations stated “cargo tank motor vehicle component”. The terms are not defined in the regulations and this has caused some confusion. The current regulations are quite clear on landing gear and other attachments.

Q. For the superseded regulations (300 Series) are landing gear and other attachments considered a cargo tank component and must have at least 12 inches road clearance per the regulations or are they not a cargo tank component and not included in the calculation of road clearance for 300 series tanks.

Thanks you for your assistance on this matter,



Tom Forbes
Chief, Motor Carrier Enforcement
180 E Broad Street
Columbus, Ohio 43215
D: 614.644.0296 C: 614.519.2811
tom.forbes@puco.ohio.gov

This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.

The State of Ohio is an Equal Opportunity Employer and provider of ADA services.
