



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

June 15, 2026

Ms. Anastasia Henning
C & C Transportation
15220 Lakewood Blvd.
Bellflower, CA 90706-4240

Reference No. 26-0016

Dear Ms. Henning:

This is in response to your December 15, 2025 letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the transportation of asphalt at elevated temperatures. You state that your company transports bulk asphalt in non-specification cargo tanks with a capacity of roughly 5,000 gallons. We have paraphrased and answered your questions as follows:

- Q1. You ask if asphalt transported at temperatures ranging between 290 °F and 325 °F meets the definition of an “elevated temperature material” as defined in § 171.8?
- A1. Yes. As defined in § 171.8 an elevated temperature material means a material which, when offered for transportation or transported in a bulk packaging: (1) is in a liquid phase and at a temperature at or above 100 °C (212 °F); (2) is in a liquid phase with a flash point at or above 38 °C (100 °F) that is intentionally heated and offered for transportation or transported at or above its flash point; or (3) is in a solid phase and at a temperature at or above 240 °C (464 °F). Based on the information provided in your letter, the asphalt is transported in a liquid phase at temperatures above 100 °C (212 °F).
- Q2. You ask whether your material may be described as “UN3257, Elevated temperature liquid, n.o.s., 9,” and whether the placarding exceptions provided in § 172.504(f)(9) apply to the domestic transportation of elevated temperature liquids?
- A2. Yes. Provided the material does not meet the definition of any other hazard class (such as Class 3 Flammable Liquid), the material must be classed as a Class 9 material and described as “UN3257, Elevated temperature liquid, n.o.s., 9, III.” Section 172.504(f)(9) states that placards are not required on a domestic shipment of a Class 9 material. Please note that even if placards are not required, an elevated temperature material must be marked on two opposing sides with the word “HOT” in accordance with § 172.325, and bulk packagings containing Class 9 material must be marked on each side and each end

(or two opposing sides) with the appropriate identification number marking. *See* §§ 172.332(a) and 172.504(f)(9).

- Q3. You ask whether drivers transporting Class 9 materials, such as UN3257, are required to hold a commercial driver's license (CDL) with a hazardous materials endorsement under the Federal Motor Carrier Safety Regulations (FMCSRs)?
- A3. The endorsement requirements for a CDL (*see* 49 CFR Part 383.91(a)(3)) are under the purview of the Federal Motor Carrier Safety Administration (FMCSA). FMCSA is the lead federal government agency responsible for regulating and providing safety oversight of commercial motor vehicles. You may wish to contact FMCSA should you require clarification of any requirements relevant to CDLs.
- Q4. Are there specific quantity thresholds or packaging configurations that affect the FMCSA hazardous materials CDL endorsement determination for elevated temperature materials classified as Class 9?
- A4. See A3.

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

Sincerely,

A handwritten signature in blue ink that reads "Alexander Wolcott". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alexander Wolcott
Acting Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division



P.O. BOX 520
BELLFLOWER, CALIFORNIA 90707
(562) 867-2300

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration (PHMSA)
Standards and Rulemaking Division (PHH-10)
1200 New Jersey Avenue, SE
Washington, DC 20590

Subject: Request for Formal Letter of Interpretation — Classification of Asphalt (aka Asphalt/Cement/Binder) as an Elevated Temperature Material and the driver qualifications required for transportation.

Dear Sir or Madam,

I am writing on behalf of Trans Petro of California Inc., DBA C&C Transportation to request a formal Letter of Interpretation regarding the classification of asphalt transported at elevated temperatures under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171–180) and corresponding Federal Motor Carrier Safety Regulations (FMCSR) driver qualification standards.

Our company transports bulk asphalt (Asphalt-Cement) materials within the State of California and in the Western Region. The tanks used to transport this material are “non-spect”, holding roughly 5,000 gallons. We seek clarification on the following regulatory points to ensure compliance with both PHMSA and FMCSA requirements.

Specifically, we request interpretation concerning:

1. Whether asphalt, when transported at temperatures typically ranging between **290°F and 325°F**, meets the definition of an “**Elevated Temperature Material**” as defined in **49 CFR §171.8**;
2. Whether such material is required to be described as **UN3257, Elevated Temperature Liquid, n.o.s., Class 9**, and whether **placarding requirements** apply for **domestic transportation**. In this regard, we note that **49 CFR §175.504(f)(9)** provides that Class 9 materials **do not require placarding in domestic transportation**, and we request PHMSA’s confirmation that this applies to asphalt transported at elevated temperatures;
3. Whether **Class 9 materials** such as UN3257 asphalt require drivers to hold a **Hazardous Materials Endorsement (HME)** under **FMCSR §383.93(b)(4)** or whether such endorsement is **excepted** for Class 9 shipments under domestic transport rules; and
4. Whether there are any specific **quantity thresholds or packaging configurations** that affect the determination of whether a CDL driver must obtain an HME when hauling asphalt transported at elevated temperatures.

Our intent is to confirm the proper classification, placarding, and CDL endorsement requirements applicable to the transport of asphalt under the HMR and FMCSR frameworks.



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We respectfully request that PHMSA provide written guidance or a formal interpretation to clarify these points.

Please direct any correspondence or requests for additional information to:

Anastasia Henning

A handwritten signature in black ink, appearing to be 'Anastasia Henning', written in a cursive style.

President

C&C Transportation

15220 Lakewood Blvd Bellflower

562-867-2300 – Office

562-867-5012 – Fax

714-474-9650 - Cell

We appreciate your assistance in helping our company maintain full compliance with federal transportation safety regulations and ensuring accurate application of hazardous materials and driver qualification standards.