



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

1200 New Jersey Avenue, SE  
Washington, DC 20590

NOV 30 2017

Captain Dean House  
Office of Motor Vehicle Enforcement  
6310 SE Convenience Boulevard  
Ankeny, IA 50021

Reference No. 16-0085R

Dear Captain House:

This letter is in response to your May 9, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to agricultural shipments of hazardous materials.

We have paraphrased and answered your questions as follows:

- Q1. You ask if § 173.5(a) limits the package size of shipments transported between fields.
- A1. The answer is no. There are no limits to the size of the package provided all applicable provisions in § 173.5(a) are met for transportation over local roads between fields of the same farm.
- Q2. You ask if § 173.5(a) limits the distance hazardous materials can be transported between fields.
- A2. The answer is no. There are no limits to the distance the package can travel provided all applicable provisions in § 173.5(a) are met for transportation over local roads between fields of the same farm.
- Q3. You ask if § 173.5(b) is a standalone provision and thereby does not affect the applicability of § 173.5(a).
- A3. The answer is yes. Under the HMR, § 173.5(a) applies to agricultural products being transported over local roads between fields of the same farm (i.e., fields of the same farm having a local road running through them). Section 173.5(b) applies to agricultural

products being transported to and from a farm within 150 miles of the farm and within the scope of the authorized mileage. Please note, the HM-200 final rule (62 FR 1207) states "a local road does not include an interstate highway."

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

Sincerely,

A handwritten signature in black ink, appearing to read "Dirk Der Kinderen", written in a cursive style.

Dirk Der Kinderen  
Chief, Standards Development Branch  
Standards and Rulemaking Division

**Dodd, Alice (PHMSA)**

Baker  
173.5(a)  
Packaging General  
16-0198

**From:** INFOCNTR (PHMSA)  
**Sent:** Wednesday, November 16, 2016 4:29 PM  
**To:** Hazmat Interps  
**Subject:** FW: Clarification on Interpretation Reference NO. 16-0085  
**Attachments:** 20160826090019820.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Shante/Alice,

Please submit this as a letter of interpretation. Mr. House spoke with Eamonn.

Please let me know if you have any questions.

Thanks,  
Jordan

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**From:** House, Dean [<mailto:Dean.House@iowadot.us>]  
**Sent:** Wednesday, November 16, 2016 9:25 AM  
**To:** INFOCNTR (PHMSA)  
**Subject:** FW: Clarification on Interpretation Reference NO. 16-0085

Captain Dean House T402  
Office of Motor Vehicle Enforcement  
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Cell # (515) 298-2328  
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Ankeny, IA 50021

**From:** House, Dean [DOT]  
**Sent:** Monday, August 29, 2016 9:52 AM  
**To:** 'INFOCNTR.INFOCNTR@dot.gov' <>  
**Subject:** Clarification on Interpretation Reference NO. 16-0085

I am seeking clarification of interpretation No 16-0085, the response to question 3 in regards to the part of the answer that refers to public roads. The regulations allows transportation over local roads. The response to 173.5(a) says applies to shipments made between fields that do not use public roads.

My question is what is meant by shipments made between fields that do not use public roads?

173.5(a) For other than a Class 2 material, the transportation of an agricultural product over local roads between fields of the same farm is excepted from the requirements.

Thank You,

Dean

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**AUG 02 2016**

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Office of Motor Vehicle Enforcement  
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Ankeny, IA 50021

Reference No. 16-0085

Dear Captain House:

This letter is in response to your May 9, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to agricultural shipments of hazardous materials. We have paraphrased and answered your questions as follows:

- Q1: You ask if § 173.5(a) limits the package size of shipments transported between fields.
- A1: The answer is no. There are no limits to the size of the package provided all applicable provisions in § 173.5(a) are met for transportation over local roads between fields of the same farm.
- Q2: You ask if § 173.5(a) limits the distance hazardous materials can be transported between fields.
- A2: The answer is no. There are no limits to the distance the package can travel provided all applicable provisions in § 173.5(a) are met for transportation over local roads between fields of the same farm.
- Q3: You ask if § 173.5(b) is a standalone section and thereby does not affect the applicability of § 173.5(a).
- A3: The answer is yes. Section 173.5(a) applies to shipments made between fields that do not use public roads. Section 173.5(b) applies to shipments made to and from a farm using public roads.

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

Sincerely,

T. Glenn Foster  
Chief, Regulatory Review and Reinvention Branch  
Standards and Rulemaking Division