



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

AUG 28 2017

Mr. Chuck Daum
Manager of Purchasing
The Davey Tree Expert Co.
1500 N. Mantua Street
Kent, OH 44240

Ref. No.: 15-0173

Dear Mr. Daum:

This is in response to your email dated August 5, 2015 requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) relating to the installation of refueling tanks manufactured in accordance with Special Permit(s) DOT-SP 11911 and 14227. Specifically, you ask if the refueling tanks must be mounted on the truck chassis, or if they may be alternatively mounted on a trailer.

Installation on a detached trailer of the non-DOT specification refueling tanks authorized in DOT-SP(s) 11911 and 14227 was not considered during the development of these special permits. The refueling tanks are intended to be installed on the vehicle chassis (e.g., in the truck bed) with operational controls to address rollover protection. Installation of the refueling tanks on a trailer is not permitted under the terms of these special permits.

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Duane A. Pfund
International Standards Coordinator
Standards and Rulemaking Division

Goodall, Shante CTR (PHMSA)

Wiene
179.10
Fuel Tanks

From: Geller, Shelby CTR (PHMSA)
Sent: Monday, August 17, 2015 4:43 PM
To: Hazmat Interps
Subject: FW: Request for formal interpretation

15-0173

Dear Shante and Alice,

I wanted to follow up as I did not see Mr. Daum's request in the database.

Thanks,
Shelby

From: Geller, Shelby CTR (PHMSA)
Sent: Wednesday, August 05, 2015 11:16 AM
To: Hazmat Interps
Subject: FW: Request for formal interpretation

Dear Shante and Alice,

Forwarded is a request for a formal letter of interpretation. I spoke with Mr. Daum about his question.

Thanks,
Shelby

From: Daum, Chuck H [<mailto:Chuck.Daum@davey.com>]
Sent: Wednesday, August 05, 2015 10:02 AM
To: INFOCNTR (PHMSA)
Subject: Request for formal interpretation

Good day,

I'm writing to request a formal interpretation of the regulations regarding Special Permits 11911 and 14227. Specifically the mounting of Fuel Tanks, under 100 gal., manufactured under these permits as USDOT Approved.

Being a regulated Motor Carrier, we have always interpreted the regulations to restrict the mounting of these tanks to "the vehicle chassis between the frame rails" only.

Which we have taken to mean they must be mounted on the truck chassis.

However we are seeing an increased number of competitors and manufactures mounting them on trailers used in combination with regulated chassis.

We understand that wouldn't be a problem for a recreational user. But when questioned how it applies to a Motor Carrier, the general interpretation is that "Motor Vehicle" encompasses the trailer as a vehicle combination.

The problem is, no one can provide that in writing.

While we believe being able to utilize the trailer configuration would be a benefit to the company, we are the one's responsible for compliance at the end of the day, and as such would appreciate your interpretation of approved mounting locations.

We appreciate you time with this matter.
Sincerely,