



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

JAN 23 2018

Joe Murphy
Compliance Specialist II, DGSA
Hunting Titan, Inc.
2 Northpoint Drive, Suite 950
Houston, TX 77060

Reference No. 17-0109

Dear Mr. Murphy:

This letter is in response to your October 6, 2017, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to placarding, segregation, and shipping paper requirements. You ask questions based on a scenario in which your company transports Division 1.4 explosive materials in a pickup truck and trailer combination.

We have paraphrased and answered your questions as follows:

Q1. You ask if the pickup truck with attached trailer must be placarded if both the pickup truck and trailer are loaded with less than 1,001 pounds of a Division 1.4 explosive material, respectively, but combine to equal a total aggregate weight of more than 1,001 pounds for the pickup truck and trailer combination.

A1. The answer is no. In accordance with § 172.504(c)(1), except for bulk packagings and hazardous materials subject to § 172.505, placards are not required on a transport vehicle or freight container which contains less than 454 kg (1,001 pounds) aggregate gross weight of hazardous materials covered by Table 2 of § 172.504(e) when transported by highway or rail. A transport vehicle is defined in § 171.8 as, "[a] cargo carrying vehicle such as an automobile, van, tractor, truck, semitrailer, tank car or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, rail car, etc.) is a separate transport vehicle."

Therefore, because by definition the pickup truck and trailer are separate transport vehicles and because a Division 1.4 explosive material is listed on Table 2 of § 172.504(e), the HMR do not require placarding if each transport vehicle contains less than 1,001 pounds aggregate gross weight of a Division 1.4 explosive material.

Q2. You ask how to represent the quantity of Division 1.4 explosive materials on the shipping paper to avoid confusion in transportation if placards are not required in Question Q1.

A2. For Class 1 materials not transported via aircraft, the quantity must be displayed in net explosive mass. For an explosive that is an article, such as "Cartridges, small arms," the net explosive mass may be expressed in terms of the net mass of either the article or explosive materials contained in the article. To avoid confusion with total aggregate weight on each transport vehicle, you may include additional information following the basic description in accordance with § 172.201(a)(4), provided the information is not inconsistent with the required description. Alternatively, you may have separate entries on the shipping paper to clarify the quantity of hazardous materials on the pickup truck and the trailer.

Q3. You ask if it is a violation of the HMR to transport a Division 1.4B explosive material on the pickup truck while also transporting a Division 1.4G explosive material on the trailer.


A3. The answer is no. The Compatibility Table for Class 1 Explosive Materials, as outlined in § 177.848(f), indicates an "X" for Compatibility Group B and G. Section 177.848(g) specifies, "The letter 'X' in the table indicates that explosives of different compatibility groups may not be carried on the same transport vehicle." Therefore, the Division 1.4B and 1.4G explosive materials may not be transported on the same transport vehicle. However, there is no restriction for Compatibility Group B and G to be transported on the same motor vehicle, as defined in § 171.8. The pickup truck and trailer are considered separate transport vehicles (see Answer A1). Therefore, if the Division 1.4B explosive material is transported on the pickup truck and the Division 1.4G explosive material is transported on the trailer, it is in compliance with the HMR.

Q4. You ask how to represent the Division 1.4 explosive materials on the shipping paper to avoid confusion in transportation provided there are no segregation issues with the scenario in Question Q3.

A4. Each hazardous material on the motor vehicle must be properly described on the shipping paper as required by Part 172, Subpart C. Similar to Answer A2, to avoid confusion with segregation on each transport vehicle, you may include additional information following the basic description in accordance with § 172.201(a)(4), provided the information is not inconsistent with the required description.

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

Sincerely,



Dirk Der Kinderen
Chief, Standards Development
Standards and Rulemaking Division

Dodd, Alice (PHMSA)

Geller

§171.8

Explosives

17-0109

From: INFOCNTR (PHMSA)
Sent: Friday, October 06, 2017 2:04 PM
To: Hazmat Interps
Subject: FW: Hunting Titan - Letter of Interpretation Request

Hi Alice,

Please submit this as a letter of interpretation. Let me know if you have any questions.

Thank you,
Jodi

From: Joe Murphy [mailto:Joe.Murphy@Hunting-intl.com]
Sent: Friday, October 06, 2017 10:54 AM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: Hunting Titan - Letter of Interpretation Request

To whom it may concern,

I respectfully request an interpretation letter on the following.

Regulations:

49 CFR 171.8 – *Transport Vehicle* means a cargo-carrying vehicle such as an automobile, van, tractor, truck, semitrailer, tank car or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, rail car, etc.) is a separate transport vehicle.

49 CFR 172.504(c) – *Exceptions for less than 454 kg (1001 pounds)*

(1) – A transport vehicle or freight container which contains less than 454 kg (1001 pounds) aggregate gross weight of hazardous materials covered by table 2 or paragraph (e) of this section

49 CFR 177.848(g)(2) - The letter "X" in the table indicates that explosives of different compatibility groups may not be carried on the same transport vehicle.

Scenario:

I have distribution centers throughout the US licensed to distribute and transport 1.4 explosive materials. In many cases they transport the 1.4 explosives in a truck and trailer combination. It's a standard pick-up truck such as a Ford F250 with a flatbed trailer. They also have many shipments when segregation is necessary due to the compatibility table for class 1 explosives.

Question 1: Given the definition of a transport vehicle in 171.8 and that 1.4 explosives are on placarding table 2, are our drivers authorized to transport less than 1001 pounds of 1.4 explosives in the truck and also another 1.4 explosive load less than 1001 pounds on the trailer? The total combination weight on the truck and trailer would then be over 1001 pounds?

What would be the best way to represent this on a hazardous materials Bill of lading? My concern being that we have a shipment of a single UN# and a safety officer sees a total of 1600 pounds (as an example) on the Bill of Lading.

Question 2: Given the instructions for using the compatibility table for class 1 explosives, if our driver need to segregate a shipment (shipment example is a 1.4B and a 1.4G) due to the compatibility table can the 1.4B be placed on the truck and 1.4G on the trailer given the definition of transport vehicles?

What would be the best way to represent this on a hazardous materials Bill of lading? My concern being a safety officer seeing non-compatible 1.4 explosives on the same bill of lading.

USDOT PHMSA Letter of Interpretation reference number 09-0120 from April 2010 addresses a similar situation noting that because they are different transport vehicles both scenarios above are within the regulations. Given that it has been more than seven years since the original interpretation request, I would like to provide further clarification for our employee. I would also like to address the questions on the best way to represent the hazardous materials on a Bill of Lading when using the shipping method above. For example, is it best to have separate BOL's? Since the shipping paper regulations allow for it, should we simply make note of how we are shipping the material somewhere on the BOL?

Very Respectfully,

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