



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAR 13 2017

Mr. Michael P. Whalen Jr, MS, CHP
Radiation Safety Officer & Chief Health Physicist
Boston University Medical Campus
Evans Basement
72 East Concord Street
Boston, MA 02118

Reference No. 16-0134

Dear Mr. Whalen:

This letter is in response to your August 16, 2016, letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to transportation of hazardous materials across the Boston University Medical Campus (BUMC). Specifically, you seek confirmation that a blood irradiator can be shipped without a type B container, provided the transportation is within the contiguous campus and the use of any public roads is restricted.

In your letter, you note that BUMC is comprised of two entities: Boston University (BU), a Massachusetts nonprofit educational institution (which includes the medical school), and Boston Medical Center (BMC), a privately owned hospital and teaching affiliate for BU's medical school. You further propose a transportation scenario, noting that two public roads will be restricted by the Boston Police during the transportation of the irradiator. You ask if the shipment in the scenario provided would be excepted from the HMR under § 171.1(d)(4).

The answer is yes. Section 171.1(d)(4) excepts hazardous material shipments by rail and motor vehicle when the transportation occurs entirely within a facility's boundary, provided public access is restricted during transportation. Since your university shares space with the hospital, both are considered part of the BUMC campus. In addition, if any portion of the hazardous materials movement crosses a public road or track, access to that area must be restricted by signals, lights, gates, or similar controls during that portion of the movement.

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

Andrews
§ 171.1 (d) (e)
Applicability
16-0134

Dodd, Alice (PHMSA)

From: Rivera, Jordan CTR (PHMSA)
Sent: Tuesday, August 16, 2016 11:20 AM
To: Hazmat Interps
Subject: FW: HMR Interpretation Request
Attachments: BUMC_OwershipMap_Path_Confidential.pdf; BUMC_OwershipMap.pdf; DOT Interpretation Request_ContiguousFacilityBoundary_Confidential.pdf; DOT Interpretation Request_ContiguousFacilityBoundary_Redacted.pdf

Hi Shante/Alice,

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

Please let me know if you have any questions.

Thanks,
Jordan

From: Whalen, Michael Peter [<mailto:mpwjr@bu.edu>]
Sent: Tuesday, August 16, 2016 10:01 AM
To: INFOCNTR (PHMSA)
Subject: HMR Interpretation Request

Dear Sirs:

SECURITY-RELATED INFORMATION: WITHHOLD FROM PUBLIC DISCLOSURE UNDER 10 CFR 2.390

We have questions regarding applicability of the Hazardous Materials Regulations.

Please find attached two letters, one confidential and one for the public and two maps, one marked confidential.

Mike

Michael P. Whalen, Jr. | MS, CHP
Radiation Safety Officer & Chief Health Physicist
Division of Medical Physics and Radiation Safety
Environmental Health & Safety
Boston University Medical Campus
72 East Concord St. | Evans Basement B01

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 617-638-7135  617-638-7509  mpwjr@bu.edu
 www.bu.edu/ehs/plans/management-plans/rpo/

 Please consider the environment before printing this email.



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August 16, 2016

U.S. Department of Transportation
Pipeline and Hazardous Materials Safety Administration
Office of Hazardous Materials Standards

Re: Applicability of Hazardous Material Regulation

To Whom It May Concern:

We are writing to obtain clarification of the Hazardous Materials Regulations (HMR) found in 49 CFR Parts 171-180 as it applies to Boston University Medical Center (BUMC) in Boston, MA. We are considering moving hazardous material (HM) across our campus and two public roads and have questions regarding applicability of 49 CFR 171.1(d)(4). This regulation appears to allow us to use a fork lift to move our HM, without HMR required container, placarding, etc. across the BUMC campus, which includes two public roads, provided that access to the two public roads are "restricted by signals, lights, gates, or similar controls." In our case we will be using the Boston Police to restrict public road access.

Our question is in regards to the clause "contiguous facility boundary where public access is restricted" found in 49 CFR 171.1(d)(4).

BUMC is comprised of two entities: Boston University (BU), a Massachusetts nonprofit educational institution (which includes the Medical School), and Boston Medical Center (BMC), a privately owned hospital and the teaching affiliate for BU's Medical School. But, the relationship goes beyond the teaching affiliation. The two entities work very closely together, share resources, and even share and co-own buildings and/or attach them via cat walks, etc., allowing seamless access to BMC and BU areas (dependent upon one's work function). A resource shared by BMC and BU include the Public Safety department. The Public Safety department provides security in all BMC and BU buildings and grounds, and they issue and rescind employee identification cards which are smart cards that provide/deny access to BMC and BU buildings, based upon each employee work function and restrictions.

Our plan is to use the private road to move our HM. Note that half this private road is owned by the BUMC while the other half is owned by the State of Massachusetts. Our plan is to restrict the access (the public and uninvolved BUMC employees) on our side of the private road when moving the HM - on our side of this private road.

Given that all the buildings and grounds between the current and ending location of our hazardous material are contiguous, sans the two public roads, and can be controlled by our security personnel of our Public Safety department, is BUMC considered a contiguous facility under 49 CFR 171.1(d)(4), thus, our proposed travel across it is exempt from the HMR?

I look forward to hearing your written interpretation as to whether the HMRs are or are not applicable in our above stated plans. If additional information is required, please do not hesitate to contact me at 617-638-7135 or via e-mail at mpwjr@bu.edu. Thank you in advance for your assistance in this matter.

Sincerely,

A handwritten signature in blue ink that reads "Michael P. Whalen, Jr." followed by a stylized monogram.

Michael P. Whalen, Jr.
Chief Health Physicist



BOSTON UNIVERSITY MEDICAL CENTER, BOSTON MEDICAL CENTER, BIOSQUARE

Construction-Building Permit Address

ISD & BFD Map

August 20, 2015

- 1 815 Albany Street - Medical-Student Residence
- 2 815 Albany Street - Parcel 2B
- 3 815 Albany Street - Parcel 1
- 4 881 Albany Street
- 5 35 Northampton - South Block
- 6 801 Mass Ave - Crosstown
- 7 850 Harrison Ave. - Yawkey
- 8 771 Harrison Street - Dowling Bldg
- 9 840 Harrison Ave. - Menino
- 10 820 Harrison Ave - FGH
- 11 800 Harrison Ave - BCP
- 12 830 Harrison Ave - Moakley
- 13 85 East Concord Street
- 14 725 Albany Street - Shapiro Ambulatory Care Center
- 15 784 Mass. Ave. - Mallory Building
- 16 Boston Public Health Commission
- 17 756 Albany Street - Power Plant
- 18 756 Albany Street - Maxwell Finland Bldg
- 19 71 East Concord Street - K Bldg- Conte
- 20 72 East Concord Street - L Annex
- 21 72 East Concord Street - L Bldg - Instructional (SOM)
- 22 80 East Concord Street - A Bldg
- 23 72 East Concord Street - R Bldg - Housman
- 24 715 Albany Street - T Bldg - Tabors (SPH)
- 25 710 Albany Street Parking Garage - 1000 Spaces
- 26 741 Harrison Ave. - Harvard Medical School
- 27 756 Harrison Ave. - B Building - Robison
- 28 746 Harrison Ave. - C Building - Robinson
- 29 10 Southton Street - V Building - Vose
- 30 65 East Newton Street - Beta Train
- 31 65 East Newton Street - O Building - Old Evans
- 32 75 East Newton Street - E Building - Evans Building
- 33 85 East Newton St. - M Bldg - Fuller
- 34 700 Albany Street - CABR - W Building
- 35 670 Albany Street
- 36 720 Harrison Ave. - Poston
- 37 720 Harrison Ave. - Doctor Office Bldg
- 38 720 Harrison Ave. - DOB Parking Garage
- 39 88 East Newton Street - Nicot Pavilion
- 40 100 East Newton Street - G Bldg - Goldman (SOM)
- 41 550 Albany Street - EBRC - X Building
- 42 815 Albany Street - E Parking
- 43 808 Albany Street - N Bldg - Naval Blood
- 44 808 Albany Street - J Bldg - Dermatology
- 45 820 Albany Street - NEIDL
- 46 528 Harrison Avenue - Ganthro
- 47 528 Harrison Avenue - Parkin Ellmer
- 48 500 Albany Street - Biosquare Parcel G
- 49 510 Albany Street Parking Garage - 1400 Spaces
- 50 500 Harrison Avenue

- Color Key For Buildings**
- BU Owned
 - BMC Owned
 - BU / BMC Owned
 - BU Leased
 - BU / BMC Leased
 - City Owned
 - BMC Leased

