



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAY 21 2018

Mr. David Rodriguez
United States Department of State
Bureau of Administration
Director Logistics Operations
1701 N. Fr. Myer Drive
Arlington, VA 22209

Ref. No.: 18-0053

Dear Mr. Rodriguez,

This responds to your September 27, 2017 letter regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to the shipment of a “UN3166, Vehicle, flammable liquid powered” aboard roll-on roll-off (ro-ro) vessels. You note that the vehicle in question was stowed in a hold or compartment designated by the administration of the country in which the vessel is registered as specially designed and approved for vehicles. Your questions are paraphrased and answered below:

Q1. Paragraphs (a) through (h) of § 176.905 prescribe general vehicle inspection criteria prior to loading on a vessel, maximum fuel allowances for vehicles, and general vessel handling and stowage requirements. Paragraph (i) contains exceptions from the HMR if any of six criteria are met. You ask if a shipment is made in accordance with one of these six criteria in § 176.905(i), for example paragraph (i)(1) in that the vehicle is stowed in a hold or compartment designated by the administration of the country in which the vessel is registered as specially designed and approved for vehicles and there are no signs of leakage from the battery, engine, fuel cell, compressed gas cylinder or accumulator, or fuel tank, as appropriate, is excepted from the general requirements for vessel shipments of vehicles found in § 176.905(a)-(h).

A1. A vehicle transported in accordance with one of the exceptions in § 176.905(i) is excepted from all additional requirements of the HMR including any additional requirements found in § 176.905.

Q2. You seek clarification regarding the references to 46 CFR §§ 70.10-1 and 90.10-38 contained in § 176.905(i)(1). Both of references state that “the preparation of automobiles prior to carriage...must be in accordance with the applicable provision of 49 CFR 176.905.” You ask if the references to 46 CFR in § 176.905(i)(1) subject a vehicle to the requirements of § 176.905(a)-(h).

A2. The references to 46 CFR §§ 70.10-1 and 90.10-38 provide definitions for “specifically suited for vehicles” for both passenger and cargo vessels. These 46 CFR sections identify the

requirements for the design and protection of spaces “specifically suitable for vehicles” and note preparation of automobiles must be in accordance with the applicable provision of 49 CFR § 176.905. In the case of vehicles offered in accordance with § 176.905(i)(1) the requirements of this specific subparagraph (i)(1) are the only applicable preparation requirements.

I hope this answers your inquiry. If you need additional assistance, please contact the Standards and Rulemaking Division at (202) 366-8553.

Sincerely,

A handwritten signature in blue ink that reads "Duane A. Pfund". The signature is written in a cursive style with a large, sweeping initial "D".

Duane A. Pfund
International Program Coordinator
International Program

January, Ikeya CTR (PHMSA)

176.905
Shipment
18-0053

From: Webb, Steven (PHMSA)
Sent: Monday, April 09, 2018 12:30 PM
To: January, Ikeya CTR (PHMSA)
Subject: FW: Action: State Department Request
Attachments: State_Request.pdf

Ikeya,

Can you please log the attached PDF into the interp database, assign it to me, and create a hard copy folder. The date fields might be a bit tricky as this was originally received awhile ago. There was some confusion over who would issue this response (PHC or PHH-10) and it appears to be back to us. In any case I have a draft prepared that we can circulate and get out the door quickly. Please let me know if you have any questions.

V/R

Steve

From: Webb, Steven (PHMSA)
Sent: Monday, March 12, 2018 10:17 AM
To: Horsley, Adam (PHMSA) <adam.horsley@dot.gov>
Subject: FW: Action: State Department Request

From: Webb, Steven (PHMSA)
Sent: Monday, March 12, 2018 9:59 AM
To: Foster, Glenn (PHMSA) <Glenn.Foster@dot.gov>
Subject: FW: Action: State Department Request

From: Webb, Steven (PHMSA)
Sent: Thursday, January 11, 2018 10:54 AM
To: Horsley, Adam (PHMSA) <adam.horsley@dot.gov>
Subject: FW: Action: State Department Request

FYI

From: Wiener, Aaron (PHMSA)
Sent: Thursday, January 11, 2018 10:51 AM
To: Webb, Steven (PHMSA) <steven.webb@dot.gov>
Subject: FW: Action: State Department Request

From: Wiener, Aaron (PHMSA)
Sent: Thursday, October 12, 2017 10:28 AM



United States Department of State

Washington, D.C. 20520

September 27, 2017

Steven Webb
Pipeline and Hazardous Materials Safety Administration (PHMSA)
US Department of Transportation
Office of Hazardous Materials Safety
1200 New Jersey Avenue SE, E-23-422
Washington, DC 20590
(via email steven.webb@dot.gov)

Re: Clarification of 49 C.F.R. Section 176.905(i)(1)

The Department of State requests your determination on a matter of interest that falls under the purview of the Pipeline and Hazardous Materials Administration (PHMSA). We seek your opinion the question of whether the Department of State has acted in conformity with the requirements of 49 C.F.R. § 176.905.

The Departments of State and Defense move tens of thousands of personnel to and from various postings around the world every year. Each of these postings is accompanied by the shipment of household goods and privately owned vehicles (POV). The United States government has contracts with various shipping entities around the world to effectuate these shipments.

In 2015, a United States employee living in The Hague, Netherlands elected to ship her POV back to the United States rather than to her next post. To effect the shipment of her POV to the U.S. port of debarkation in Baltimore, Maryland, the Department of State issued a Government Bill of Lading to a Belgian company contracted to provide logistical support. The Belgian company in turn contracted with American Roll-on Roll-off Carriers, LLC, to transport the POV onboard the M/V COURAGE. The COURAGE was an American-flagged roll-on/roll-off (ro-ro) vessel, and was "specially suitable for vehicles" as defined in 46 C.F.R. §§ 70.10-1 and 90.10-38. The POV in question, like the vast majority of POV movements

for United States employees residing overseas, was “stowed in a hold or compartment designated by the administration of the country in which the vessel is registered as specially designed and approved for vehicles” in accordance with 49 C.F.R. § 176.905(i)(1).

Sections (a) through (h) of 176.905 generally prescribe vehicle inspection and vessel configuration requirements for the stowage of vehicles aboard vessels. For instance, before being loaded on a vessel, 49 C.F.R. § 176.905(a)(1) requires that each vehicle be “inspected for signs of leakage from batteries, engines, fuel cells, compressed gas cylinders or accumulators, or fuel tank(s) when applicable and any identifiable faults in the electrical system that could result in short circuit or other unintended electrical source of ignition.”

The POV in question was stowed in conformity with Section 176.905(i), in that the POV was

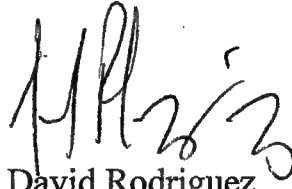
[S]towed in a hold or compartment designated by the administration of the country in which the vessel is registered as specially designed and approved for vehicles and there are no signs of leakage from the battery, engine, fuel cell, compressed gas cylinder or accumulator, or fuel tank, as appropriate. For vehicles with batteries connected and fuel tanks containing gasoline transported by U.S. vessels, see 46 CFR 70.10-1 and 90.10-38.

Id. at § 176.905(i)(1). Given this factual scenario, we request PHMSA’s determination as to whether the POV transport in question is entitled to the exception from the vehicle inspection and vessel configuration requirements outlined in 49 C.F.R. § 176.905(i)(1).

We would also like clarification regarding the references to 46 C.F.R. §§ 70.10-1 and 90-10-38 (which define “specially suitable for vehicles”) contained in Section 176.905(i)(1). Both references state that “the preparation of automobiles prior to carriage... must be in accordance with the applicable provision of 49 C.F.R. § 176.905.” We request PHMSA’s determination as to whether the applicable provision in our factual scenario is 49 C.F.R. § 176.905(i)(1). That is, do the references in 49 C.F.R. § 176.905(i)(1) subject the POV to the additional requirements of Section 176.905(a) through (h).

We look forward to hearing your position on these two issues. Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'DRodriguez', written in a cursive style.

David Rodriguez
Director Logistics Operations
Bureau of Administration