



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

1200 New Jersey Avenue, SE  
Washington, DC 20590

MAR 04 2019

Mr. Luke Van Wyk  
Sales Manager  
Thunder Creek Equipment  
1833 Highway 163  
Pella, Iowa 50219

Reference No. 19-0022

Dear Mr. Van Wyk:

This letter is in response to your August 22, 2018, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to agricultural operations. Specifically, you ask whether a local road, as the term is used in § 173.5(a), must be constructed of a specific material. You state the Illinois State Police are defining local roads primarily as gravel roads when interpreting the Federal Highway Administration's (FHWA) *Highway Functional Classification: Concepts, Criteria and Procedures* guidance issued to State DOTs. Consequently, farmers are not able to utilize the exceptions provided for agricultural operations in § 173.5(a) when transporting authorized hazardous materials over paved roads.

Unlike the guidance provided by the FHWA, the term "local road" is not defined in the HMR. Section 173.5(a) of the HMR applies to agricultural products being transported over local roads between fields of the same farm. Please note, in the preamble of the January 8, 1997, final rule (62 FR 1207; [HM-200]) we stated, "For the purposes of this section, a local road does not include an interstate highway." Thus, the type of roadway (e.g., paved, unpaved, gravel) is irrelevant. We also note the FHWA guidance does not specify the type of roadway in its definition of a local road.

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

Stevens  
19-0022

## January, Ikeya CTR (PHMSA)

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**From:** Stevens, Michael (PHMSA)  
**Sent:** Monday, February 25, 2019 1:33 PM  
**To:** January, Ikeya CTR (PHMSA)  
**Cc:** Foster, Glenn (PHMSA); Stevens, Michael (PHMSA)  
**Subject:** Interpretation

Ikeya,

Please assign the below interp request to me. The incoming is from:

Mr. Luke Van Wyk  
Sales Manager  
Thunder Creek Equipment  
1833 Highway 163  
Pella, Iowa 50219

Phone number: (641) 620-4025

Thanks,

Michael

**From:** Luke Van Wyk  
**Sent:** Wednesday, August 22, 2018 8:07 AM  
**To:** Stevens, Michael (PHMSA) <[michael.stevens@dot.gov](mailto:michael.stevens@dot.gov)>  
**Subject:** RE: Questions

Good morning Mr. Stevens,

Thank you for getting back to me. In rural settings they are defining local roads primarily as gravel roads. They have referenced this Federal Highway Administration standard below as the basis for their very narrow interpretation of the term "local roads" as it is used on 173.5

[https://www.fhwa.dot.gov/planning/processes/statewide/related/highway\\_functional\\_classifications/section03.cfm](https://www.fhwa.dot.gov/planning/processes/statewide/related/highway_functional_classifications/section03.cfm)

Section 3, in particular section 3.1.6 defines what a local road is according to the Feds:

### 3.1.6 Local Roads

Locally classified roads account for the largest percentage of all roadways in terms of mileage. They are not intended for use in long distance travel, except at the origin or destination end of the trip, due to their provision of direct access to abutting land. Bus routes generally do not run on Local Roads. They are often designed to discourage through traffic. As public roads, they should be accessible for public use throughout the year.

Local Roads are often classified by default. In other words, once all Arterial and Collector roadways have been identified, all remaining roadways are classified as Local Roads (see Table 3-4).

Table 3-4: Characteristics of Urban and Rural Local Roads

Urban

Rural

Provide direct access to adjacent land

Provide access to higher systems

Carry no through traffic movement

Constitute the mileage not classified as part of the Arterial and Collector systems

Serve primarily to provide access to adjacent land

Provide service to travel over short distances as compared to higher classification categories

Constitute the mileage not classified as part of the Arterial and Collector

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**Michael Stevens**

**Transportation Specialist (Regulations)**

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