



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

AUG 06 2019

Wes Pace
Director, Hazardous Materials Compliance
Landstar Transportation Logistics, Inc.
13410 Sutton Park Drive South
Jacksonville, FL 32224

Reference No. 19-0039

Dear Mr. Pace:

This letter is in response to your March 26, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the package securement requirements for highway transportation. Specifically, you include three photographs of packages containing hazardous material shrink-wrapped onto wooden pallets. The pallets are loaded side-by-side in a motor vehicle, with gaps of at least several inches between the pallets and between the pallets and the walls of the trailer. The pallets are not secured to the vehicle using straps, tie-down, load locks or other means, although you indicate that a means of securement will be used to prevent the pallets from shifting backwards toward the doors of the trailer. You ask whether the arrangement depicted in the photographs meets the requirements of § 177.834(a).

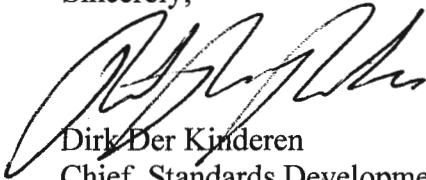
Based on the photographs and information provided in your email, we cannot definitively determine whether the load is secure. Section 177.834(a) requires any hazardous material package that is not permanently attached to a motor vehicle to be secured against shifting, including relative motion between packages, within the vehicle on which it is being transported under conditions normally incident to transportation. Conditions normally incident to transportation include vehicle starting, stopping, cornering, accident avoidance, and varied road conditions. Thus, the securement of hazmat packages requires that such packages do not shift when experiencing these conditions.

As shown in the photographs, the voids between the pallets and between the pallets and the sides of the trailer could allow the pallets to shift, and there is no securement mechanism in place to prevent the pallets from shifting in this way. Specific methods for securing packages in a motor

vehicle are not provided in the HMR. However, various methods, such as tie-downs, using dunnage or other cargo, shoring bars, jack bars, or toe-boards would be acceptable to secure the pallets as long as they prevent shifting within the trailer.

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

Sincerely,

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

Dirk Der Kinderen
Chief, Standards Development Branch
Standards and Rulemaking Division

Patrick
8177.834(a)
19-0039

Dodd, Alice (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Friday, March 29, 2019 11:02 AM
To: Hazmat Interps
Subject: FW: Interpretation Request
Attachments: Interp request 177.834(a).pdf; 110198.pdf; 160088.pdf

Alice and Ikeya,

Attached is a request for letter of interpretation.

Thanks,

Jonathon, HMIC

From: Pace, Wes [mailto:wpace@landstar.com]
Sent: Thursday, March 28, 2019 1:57 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: RE: Interpretation Request

Good afternoon.

I received a call earlier from one of your staff (Brianna) in reference to the attached Interp. request. Brianna directed me to an existing Interp. letter 11-0198 (attached) as guidance to my request submitted yesterday, which I appreciate.

The purpose of this request was to validate to a customer (shipper), using pics of their cargo loading method, that 177.834 (a) requires any hazmat packages not permanently attached to a motor vehicle be secured to prevent against shifting into void areas during transportation. I had previously addressed this with the customer and provided 3 separate interp. letters (including attached 16-0088). We as a carrier do not need the unnecessary DOT roadside securement violations and the 36 CSA points associated with hazmat securement violations nor do we wish to lose their business. We'd rather educate them on proper securement of their cargo to meet 177.834(a).

If it's possible, could I get a response to my request (using the customer's pictures), if it's your office's opinion that the pallets in provided pictures, do not meet the requirements in 177.834(a) as the pallets can clearly shift into void areas during transport. I thought a response using pics of their loading methods/cargo would be better suited to get the point across.

Your help is greatly appreciated. If I'm asking too much of you, I do understand.

Thanks,
Wes Pace, CDS
Landstar Transportation Logistics, Inc.
Director, Hazardous Materials Compliance
Office- (904) 390-4815
Cell- (904) 614-3870
Email- wpace@landstar.com

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From: Pace, Wes
Sent: Tuesday, March 26, 2019 12:08 PM
To: 'INFOCNTR (PHMSA)' <INFOCNTR.INFOCNTR@dot.gov>
Subject: Interpretation Request

Please accept the attached interpretation request for review and comment.

Thanks,
Wes Pace, CDS
Landstar Transportation Logistics, Inc.
Director, Hazardous Materials Compliance
Office- (904) 390-4815
Cell- (904) 614-3870
Email- wpace@landstar.com

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U.S. Department
of Transportation

Pipeline and Hazardous
Materials Safety
Administration

1200 New Jersey Avenue, SE
Washington, D.C. 20590

MAR 22 2012

Mr. Wes Pace
Director, Hazardous Materials Compliance
Landstar Transportation Logistics, Inc.
13410 Sutton Park Drive, South
Jacksonville, FL 32224

Ref. No. 11-0198

Dear Mr. Pace:

This responds to your August 17, 2011 request for clarification of § 177.834(a) in the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You provide a photograph showing one row of pallets loaded side-by-side with four drums per pallet leaving a void space between pallets and a second row of pallets containing five gallon pails. The five gallon pails are shrink wrapped together and to the pallet. Two straps secure the load. You indicate that the HMR are silent in regards to securement of a packaging to a motor vehicle. Based on the photograph provided in your letter, you ask if this shipment would be in violation of the securement requirements in § 177.834(a).

You are correct in your understanding that specific methods of securement are not provided in § 177.834(a). Section 177.834(a) requires any hazardous material package that is not permanently attached to a motor vehicle to be secured against shifting, including relative motion between packages, within the vehicle on which it is being transported under conditions normally incident to transportation. Further, general requirements addressing protection of shifting cargo are found in the Federal Motor Carrier Safety Administration Regulations (49 CFR Parts 300-399), specifically under §§ 393.100 to 393.106. These requirements allow varied methods of securement, such as blocking with other freight, banding, or use of tie-downs or load-locks.

Based on the photograph and information provided in your letter, we cannot definitively determine whether the load is secure. However, securing the load by shrink wrapping the packages to a pallet and strapping the pallets in place is one method for securing the load in accordance with § 177.834(a).

I hope this answers your inquiry. If you need additional assistance, please contact this office at 202-366-8553.

Sincerely,

Ben Supko
Acting Chief, Standards Development Branch
Standards and Rulemaking Division

Landstar Transportation Logistics, Inc.
13410 Sutton Park Drive, South
Jacksonville, FL 32224
904 398 9400

Boothe
§177.834(a)
Loading & Unloading
11-0198

August 17, 2011

U.S. DOT
PHMSA Office of Hazardous Materials Standard
Attn: Charles E. Betts
East Building
1200 New Jersey Avenue, SE.
Washington, DC 20590-001

Mr. Betts,

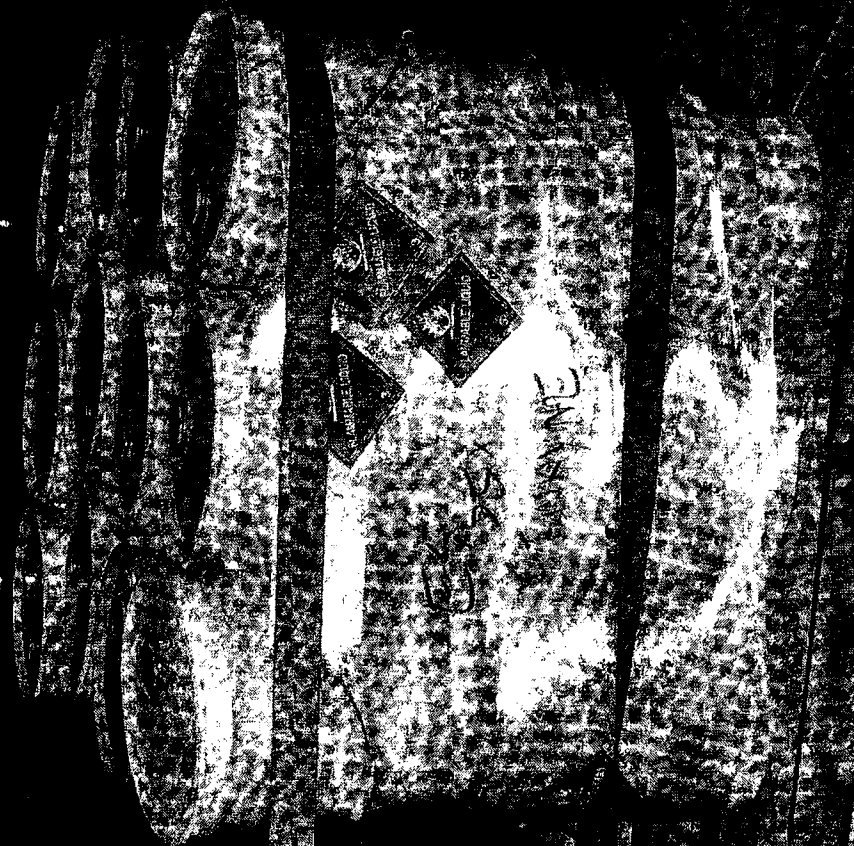
Please except this letter as my request for an interpretation specific to 177.834(a). I understand the regulations are silent on what method of securement must be used, provided the requirements are met. I also understand various methods of securement that would meet the requirement as defined in FMCSR parts 393.100 to 393.106 and 177.834(a).

A customer questions my understanding of securement as it relates to the securement of loose drums (55 gallon) on pallets. The enclosed picture shows pallets are loaded side by side with 4 drums per pallet leaving a void space of 1+ feet between pallets and the last 2 side by side pallets contain 5 gallon pails which are shrink wrapped together and to the skid themselves and 2 straps on rear of load.

My understanding is that loose drums sitting on pallets with no means used to prevent shifting and/or falling would be contrary to the intent of 177.834(a). Based on the provided picture, would this shipment be in violation of not meeting the securement requirements?

Your assistance is greatly appreciated,

Wes Pace
Director, Hazardous Materials Compliance
Landstar Transportation Logistics, Inc.



Landstar Transportation Logistics, Inc.
13410 Sutton Park Drive, South
Jacksonville, FL 32224
904 398 9400

March 26, 2019

Office of Hazardous Material Standards
Pipeline & Hazardous Material Safety Admin.
PH-10
East Building
1200 Ney Jersey Avenue, SE
Washington, DC 20590-001

Dear Sir,

I'm seeking clarification if the cargo securement in attached pictures would be compliant with requirements in 177.834(a) as written.

As shown in pictures, pallets of paints are shrink wrapped and loaded in a side by side configuration from front of trailer to the rear. As evident from pictures, there are sizable gaps/void areas between pallets with no means of securement to prevent the individual pallets from shifting, including relative motion between packages.

It's the opinion of the shipper that these shipments only need securement on the rear of cargo to prevent it from shifting backwards towards the doors with no means of securement to prevent pallets from shifting into void areas between pallets within the trailer.

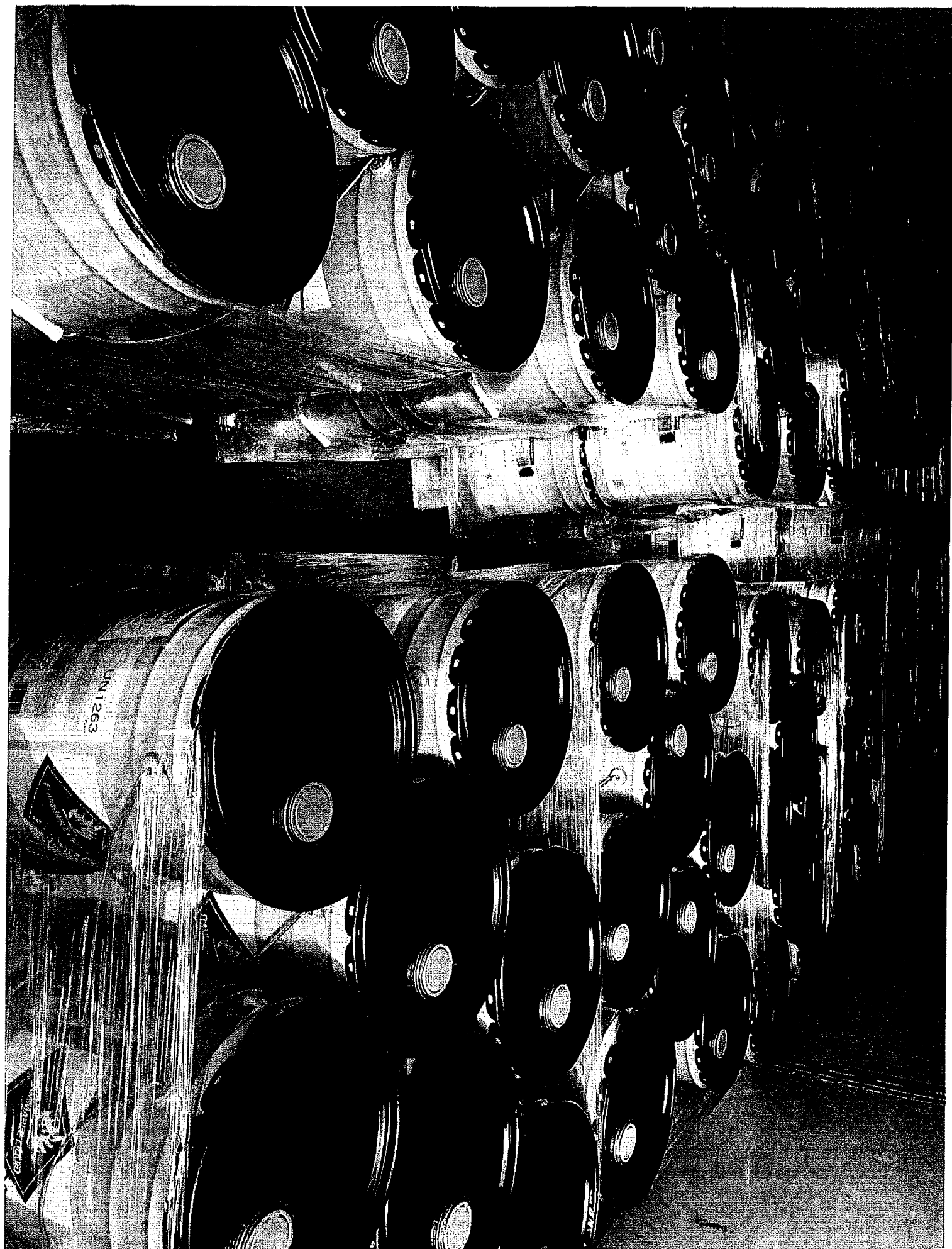
It's my belief that the unsecured pallets within the trailer could shift around during the course of transportation including starting, stopping, cornering, accident avoidance varied rough road conditions and could/would be potential securement violations at roadside inspections.

Your assistance in providing clarification would be greatly appreciated.

Thanks,
Wes Pace, CDS
Landstar Transportation Logistics, Inc.
Director, Hazardous Materials Compliance
13410 Sutton Park Dr. South
Jacksonville, FL 32224
Office- (904) 390-4815
Cell- (904) 614-3870
Email- wpace@landstar.com

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U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, D.C. 20590

SEP 16 2016

Mr. Wes Pace
Director, Hazardous Materials Compliance
Landstar Transportation Logistics, Inc.
13410 Sutton Park Drive, South
Jacksonville, FL 32224

Reference No. 16-0088

Dear Mr. Pace:

This letter is in response to your May 11, 2016 email, letter, and two photographs requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to loading and securing pallets of hazardous materials. Specifically, you ask if the loading and securement packing method you describe complies with the intent of § 177.834(a).

You state your transportation scenario, as further demonstrated in the attached photographs, is as follows:

- Four drums are loaded on one pallet,
- Drums on the pallet are shrink-wrapped to the pallets,
- Heavy cardboard is placed on top of each set of four drums banded to a pallet,
- An even number of these pallets are loaded side-by-side in a freight trailer,
- Pallets are loaded in the freight container with approximately 3–4 inches of void area between them,
- Pallets closest to the freight container door are secured with two straps,
- This loading and securement method makes it difficult, if not impossible, to nail a 2 x 4 inch blocking to the freight container floor in the void area, and
- This blocking method makes it highly unlikely for these drums to shift or fall to the extent that they become damaged.

It is the opinion of this Office that the transportation scenario you provided does not comply with the intent of § 177.834(a). The three to four inches of space between pallets in the freight container loading and securement method you describe provides a foot or more of space in which the end pallets can shift during transportation. Section 177.834(a) requires any hazardous material (hazmat) package that is not permanently attached to a motor vehicle to be secured against shifting, including relative motion between packages, within the vehicle on which it is being transported under conditions normally incident to transportation (e.g., vehicle starting, stopping, and cornering; accident avoidance; and varied road conditions).

Thus, the securement of hazmat packages requires that such packages do not shift when experiencing these conditions. Part 393, Subpart I of the Federal Motor Carrier Safety Regulations (49 CFR Parts 300-399) contains general requirements that address protection against shifting and falling cargo.

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

Sincerely,

A handwritten signature in black ink, appearing to read "T. Glenn Foster", with a long horizontal flourish extending to the right.

T. Glenn Foster
Chief, Regulatory Review and Reinvention Branch
Standards and Rulemaking Division

Edmonson
§ 177.834(a)
General Requirement
16-0088

Dodd, Alice (PHMSA)

From: Rivera, Jordan CTR (PHMSA)
Sent: Wednesday, May 11, 2016 4:10 PM
To: Hazmat Interps
Subject: FW: Interpretation Request
Attachments: Interpretation Request Securement.docx; Load securement Pictures.pdf

Hi Shante/Alice,

Please submit this for a letter of interpretation. Please let me know if you have any questions.

Thanks,
Jordan

From: Pace, Wes [<mailto:wpace@landstar.com>]
Sent: Wednesday, May 11, 2016 9:44 AM
To: PHMSA HM InfoCenter
Subject: Interpretation Request

Please find attached an interpretation request.

Thanks,
Wes Pace
Landstar Transportation Logistics, Inc.
Director, Hazardous Materials Compliance
Office- (904) 390-4815
Email- wpace@landstar.com

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Landstar Transportation Logistics, Inc.
13410 Sutton Park Drive, South
Jacksonville, FL 32224
904 398 9400

To: U.S. DOT PHMSA Office of Hazardous Materials Standards
From: Wes Pace
Director, Hazardous Materials Compliance
Date: May 11, 2016
Subject: Interpretation Request

Dear Sir:

I'm requesting an interpretation and clear understanding of 177.834(a) and when the intent of the rule has been met with a specific loading method and the securement of pallets in my scenario. I understand regulation is silent on what method must be used and also that intent of securement is to prevent shifting, including relative motion between packages within the transport vehicle under conditions normally incident to transportation.

My scenario, as shown in attached pictures is:

- 4 drums loaded per pallet. Drums are shrink wrapped to the pallets and also have heavy cardboard placed on top of each set of 4 drums which is then banded to the pallets
- An even number of pallets are then loaded side by side in the trailer.
- Once pallets are loaded, there is roughly 3-4 inches of void area located in-between the pallets
- The pallets are then secured with 2 straps on the rear of the load

Based on this loading and securement method, it's difficult and almost impossible to have 2 X 4 blocking nailed to the floor in the small void area. Under conditions normally incident to transportation (vehicle starting stopping, cornering, accident avoidance and varied road conditions) the possibility of these drums shifting or falling to the extent that the drums could be damaged are highly unlikely.

One state interprets 177.834(a) as meaning any void area must be filled or pallets blocked to prevent shifting of any amount and that this referenced loading and securement method is in violation of the rule.

Based on the scenario provided, would the true intent of 177.834(a) be met?

Sincerely,

Wes Pace
Landstar Transportation Logistics, Inc.
Director, Hazardous Materials Compliance
Office- (904) 390-4815



