



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

1200 New Jersey Avenue, SE
Washington, DC 0590

OCT 21 2019

Raul Badillo
2303 11th Street South
Moorhead, MN 56560

Reference No. 19-0062

Dear Mr. Badillo:

This letter is in response to your May 9, 2019, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to a material of trade (MOT). Specifically, you state that your company transports Division 2.1 (flammable gas) in cylinders weighing approximately 50 lbs. each when full. You further explain that these cylinders are transported for use in forklifts at different locations within your company.

We have paraphrased and answered your questions as follows:

Q1. You ask whether training is required to transport MOTs under the HMR.

A1. The answer is yes. Although entities transporting MOTs are excepted from the training requirements prescribed in part 172, subpart H of the HMR, very basic training is required in that operators of the motor vehicle must be informed of the presence of the hazardous material on the vehicle and the requirements prescribed in § 173.6. Note that each cylinder must be maintained, marked and labeled as prescribed in the HMR (see § 173.6(b)(5) and (c)(3)). Further the total quantity of MOTs transported on a motor vehicle may not exceed 440 lbs. gross weight (see § 173.6(d)).

Q2. You ask whether a vehicle operator must have a hazardous material (hazmat) endorsement on a Commercial Driver's License (CDL) to transport MOTs.

A2. The answer is no. The Federal Motor Carrier Safety Administration is responsible for issuing the licensing standards for commercial motor vehicle drivers in 49 CFR part 383 that require a driver who transports hazardous material shipments to obtain a hazmat endorsement on a CDL. However, the requirement for a hazmat endorsement only applies to shipments for which a placard is required under the HMR or any quantity of a material listed as a select agent or toxin in 42 CFR Part 73. Because MOTs are excepted from the

placarding requirements prescribed in part 172, subpart F of the HMR, a hazmat endorsement on a CDL is not required.

Q3. You ask whether MOTs may be transported in a “personal pickup truck” and whether they must be secured against shifting.

A3. The answer is yes to both. Section 171.8 defines a MOT to include a private motor carrier transporting hazardous materials in direct support of a principal business that is other than transportation by motor vehicle. Further, MOTs requirements in § 173.6(b)(1) state that packagings must be leak tight for liquids and gases, securely closed, secured against shifting, and protected against damage.

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

Sincerely,



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

Cardoz
19-0062

January, Ikeya CTR (PHMSA)

From: INFOCNTR (PHMSA)
Sent: Tuesday, May 14, 2019 3:11 PM
To: Hazmat Interps
Subject: FW: Form submission from: Contact Form

Hello Alice and Ikeya,

Below is a request for a written letter of interpretation.

Thanks,

Jonathon, HMIC

From: raulbadillojrlaceyannbadillo [mailto:raulbadillojrlaceyannbadillo@gmail.com]
Sent: Friday, May 10, 2019 6:08 PM
To: INFOCNTR (PHMSA) <INFOCNTR.INFOCNTR@dot.gov>
Subject: RE: Form submission from: Contact Form

Raul Badillo Jr.
(701)541-1246 cell phone
2303 11th street south,
Moorhead,Mn 56560

Sent via the Samsung Galaxy Note8, an AT&T 5G Evolution capable smartphone

----- Original message -----

From: "INFOCNTR (PHMSA)" <INFOCNTR.INFOCNTR@dot.gov>
Date: 5/10/19 1:33 PM (GMT-06:00)
To: [Raulbadillojrlaceyannbadillo@gmail.com](mailto:raulbadillojrlaceyannbadillo@gmail.com)
Subject: RE: Form submission from: Contact Form

Dear Raul,

We have received your request for a written letter of interpretation regarding the hazardous materials regulations (49 CFR Parts 171-180). The hazardous materials regulations are available at the following URL:

<http://phmsa.dot.gov/regulations>

However, before we can submit your request for processing, please respond to this email with:

- Full Name
- Physical Mailing Address
- Telephone Number

Sincerely,

Jonathon, Hazardous Materials Specialist

An e-mail response from this office is considered informal guidance. Formal guidance may be requested in accordance with 49 CFR 105.20. <http://phmsa.dot.gov/hazmat/regs/interps>

Submitted on Thursday, May 9, 2019 - 17:00 Submitted by anonymous user: 207.86.215.215 Submitted values are:

==Contact Information==

Name: Raul R Badillo
Professional Organization:
Business Email Address: Raulbadillojr@laceyannbadillo@gmail.com
Business Telephone Number: 17015411246
Business Fax Number:

==Message==

Type: Hazmat Information Center
Please Enter Your Question/Comment:
Hello, I would like to request a formal letter of interpretation regarding HMR 49 CFR 171-180, and MoT exceptions.

The company I work for Red River Commodities, will be in the near future, having me transport propane cylinder tanks for a forklift we have in a different location. They weigh about 50 pounds each when full. I currently have my HazMat endorsement but am wondering if we will need to have safety training on HazMat materials? Do I need to continue to carry my endorsement after it expires? I will most likely not have to placard.

Also is it legal to transport these tanks in a non commercial vehicle? (Back of a pick up truck). Wondering how safe this is due to not being secured properly ect. It's a class 2.1 HM. Thank you.

The results of this submission may be viewed at:

<https://www.phmsa.dot.gov/node/16716/submission/14821>