



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

APR 12 2017

Mr. David Vargyas
R & R Trucking, Incorporated
302 Thunder Road
P.O. Box 545
Duenweg, MO 64841

Reference No. 16-0167

Dear Mr. Vargyas:

This letter is in response to your October 12, 2016, email and attached letter requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to cargo trailers. You note that § 178.345-8(a)(5) states that the road clearance of a component mounted between the axles is determined by the distance the component is located from the nearest adjacent axle, as long as there is a minimum of 12 inches road clearance. You state that your trailer has approximately 13 feet of distance from the component to the nearest axle. Using the calculation outlined in § 178.345-8(a)(5) (i.e., 13 feet multiplied by $\frac{1}{2}$ inch equals 6.5 inches), you calculated that your trailer defaults to the 12-inch minimum. Specifically, you ask in your letter if your calculation is accurate using the method in § 178.345-8(a)(5) to determine the road clearance for a Specification DOT 407 cargo tank motor vehicle (DOT 407 CTMV).

The answer is yes. The calculation that you provide in your letter is the correct application of § 178.345-8(a)(5) to calculate the road clearance of a DOT 407 CTMV component when mounted between the axles of the motor vehicle.

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
§178.345-8(a)(5)
Packaging Specs.
16-0167

Dodd, Alice (PHMSA)

From: Rivera, Jordan CTR (PHMSA)
Sent: Wednesday, October 12, 2016 3:45 PM
To: Hazmat Interps
Subject: FW: Letter of Interpretation Request
Attachments: PHMSA Letter.pdf

Hi Shante/Alice,

Please submit this as a letter of interpretation. Mr. Vargyas spoke with Cristina.

Please let me know if you have any questions.

Thanks,
Jordan

-----Original Message-----

From: David Vargyas [<mailto:David.Vargyas@randrtruck.com>]
Sent: Wednesday, October 12, 2016 3:25 PM
To: PHMSA HM InfoCenter
Subject: Letter of Interpretation Request

To Whom It may Concern:

Please provide a Letter of Interpretation at your earliest convenience. I have attached my official request. Let me know if you require any further information to process my request.

Thank you,
David Vargyas
Safety Director
R&R Trucking, AATCO, NEI
P: 417-623-6885, x2130

R & R Trucking, Incorporated
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October 12, 2016

US Department of Transportation
PHMSA Office of Hazardous Materials Standards
Attn: PHH-10
East Building
1200 New Jersey Avenue, SE
Washington, DC 20590-0001

Re: DOT #382936

To Whom It May Concern:

On September 15, 2016, my company received a roadside inspection violation in Ohio for inadequate road clearance for our cargo tank trailer. The Inspector said that road clearance was determined by measuring the distance from the rear tractor axle to the front trailer axle and multiplying by 1/2 an inch. In our case it is 30 feet between the axles multiplied by 1/2 an inch to arrive at 15 inches of required road clearance for a component. I DataQ'd the violation arguing the Inspector incorrectly determined the road clearance. My challenge was denied and the violation allowed to stand.

Sec 178.345-8(a)(5) states that the road clearance of a component mounted between the axles is determined by the distance the component is located from the nearest adjacent axle, as long as there is a minimum of 12 inches road clearance. The trailer in question has approximately 13 feet of distance from the component to the nearest axle. Thirteen feet multiplied by 1/2 an inch is 6.5 inches. This means our trailer would default to 12 inches of minimum road clearance. Our trailer has 13.5 inches of road clearance. We were not and are not in violation of the road clearance regulation.

Please provide a Letter of Interpretation on Sec 178.345-8(a)(5) regarding the accurate method of determining proper road clearance for a Type 407 cargo trailer.

Respectfully,



David Vargyas
Safety Director