



U.S. Department  
of Transportation

**Pipeline and Hazardous  
Materials Safety  
Administration**

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

DEC 19 2013

Mr. Paul Burroughs  
The Boeing Company  
6001 S. Air Depot Blvd  
Oklahoma City, OK 73135

Ref. No.: 13-0160

Dear Mr. Burroughs:

This is in response to your August 05, 2013 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) regarding the applicability of the HMR to persons and functions. You state that your facility is a business engaged in commerce that receives and ships non-bulk shipments of hazardous materials, and that you are a conditionally exempt small quantity household waste generator. You state that you have recently signed a lease on additional building space and would like an interpretation as to if hazardous materials shipments made between an existing site and the new site would be regulated under the HMR. You have provided a map of the existing facilities, the new facilities, and the proposed transport route between the old and new facilities.

Based on the information provided in your letter it is the opinion of this office that your shipments between your existing facilities and the new facility would be regulated by the HMR. Section 171.1(d) lists functions not subject to the requirements of the HMR. Section § 171.1(d)(4) states that the HMR do not apply to rail or motor vehicle movements of a hazardous material exclusively within a contiguous facility boundary where public access is restricted unless the movement is on or crosses a public road or is on track that is part of the general railroad system of transportation. However, if access to the public road is restricted by signals, gates, lights, or similar controls, the movement is not subject to the HMR. The map that you provided notes that part of the proposed transport route occurs in parking lots not part of your contiguous property. As long as the motor vehicle movement includes any transportation outside of the contiguous property boundary, § 171.1(d)(4) cannot apply.

I trust this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,

Duane A. Pfund  
International Standards Coordinator  
Standards and Rulemaking Division

**Drakeford, Carolyn (PHMSA)**

Webb  
§ 171.1 (d)(4)

Applicability  
13-0160

**From:** INFOCNTR (PHMSA)  
**Sent:** Monday, August 05, 2013 4:38 PM  
**To:** Drakeford, Carolyn (PHMSA)  
**Subject:** FW: 49 CFR interpretation request  
**Attachments:** Site\_Plan\_Markup.pdf

**Importance:** High

Hi Carolyn,

This caller requested we submit this e-mail as a formal letter of interpretation.

Thanks,  
Victoria

---

**From:** Burroughs, Paul G [<mailto:Paul.G.Burroughs@boeing.com>]  
**Sent:** Monday, August 05, 2013 3:41 PM  
**To:** INFOCNTR (PHMSA)  
**Cc:** Henry, Dana L  
**Subject:** 49 CFR interpretation request  
**Importance:** High

Dear Sir or Madam,

I would like to request an interpretation of 49 CFR 171.1 (d)(4) regarding the transportation of Dangerous Goods (DG) and Hazardous Waste (HW) between multiple facilities. Let me preface this request with the following information about our facility.

1. Business engaged in Commerce
2. Receive and ship non bulk shipments of DG
3. Small quantity HW generator conditionally exempt

We have currently signed a lease on additional building space and would like to determine if we remain within or outside of the regulations if we transport DG and HW between the sites using either a gas or electric powered vehicles. At no time would the vehicle travel on any city or state maintained roadways and I have attached a map to better illustrate the proposed situation.

If you need additional information or clarification please call me directly at 405-610-3822.

Thank you in advance for your assistance in this matter.

V/R

Paul Burroughs  
The Boeing Company  
OKC International Operations & Compliance  
6001 S Air Depot Blvd.  
Oklahoma City, OK 73135  
MC R7-09  
Export/Traffic Focal  
**NOTE NEW Phone: 405-610-3822**

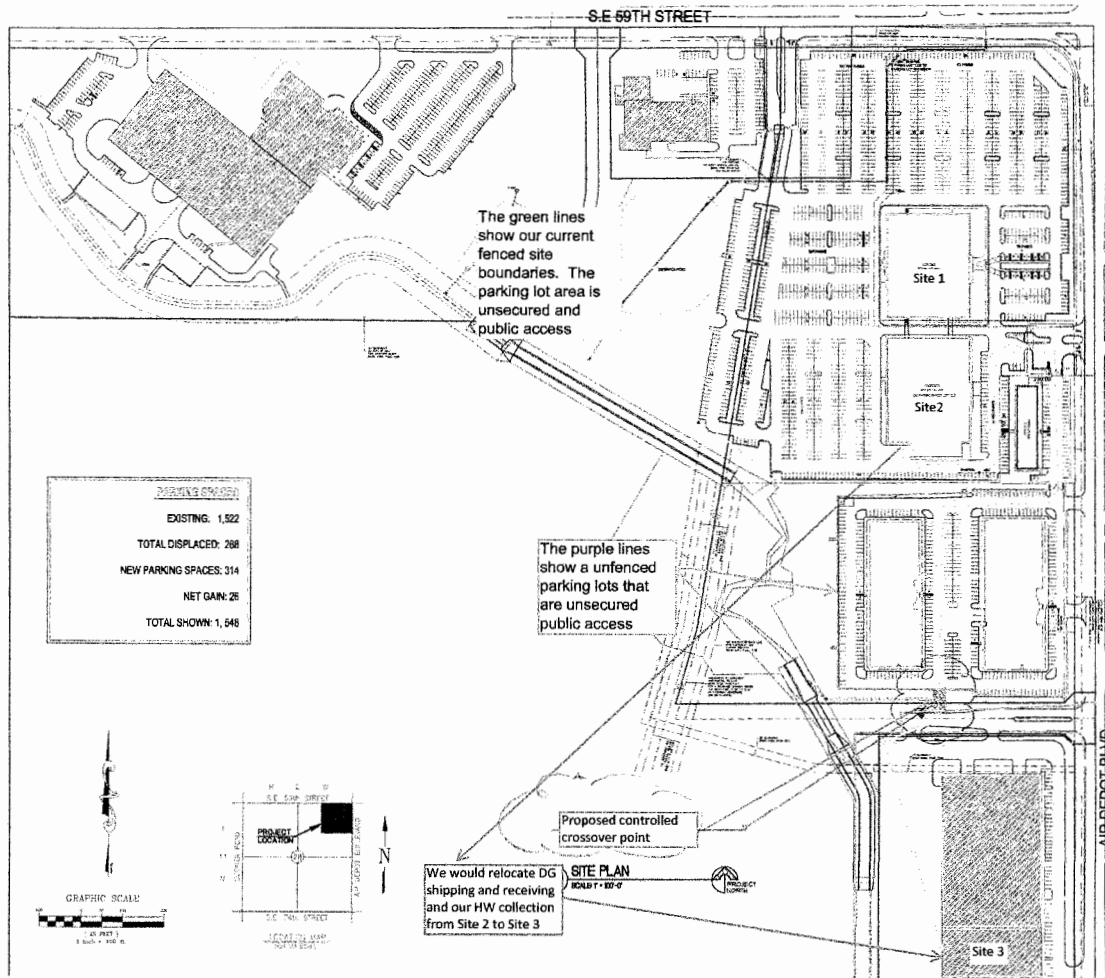
CELL: 405-249-7347

Fax: 405-622-6095

[Paul.G.Burroughs@Boeing.com](mailto:Paul.G.Burroughs@Boeing.com)

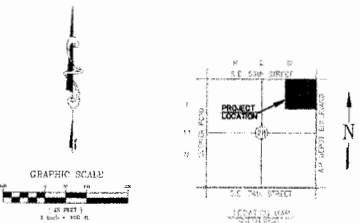
"This email and any files transmitted with it are confidential and intended solely for the use of the individual(s) or entity to whom they are addressed. If you have received this email in error please notify the sender"

***To argue with a person who has renounced the use of reason is like administering medicine to the dead. ~ Thomas Paine***



**PARKING SPACES**

EXISTING	1,522
TOTAL DISPLACED	268
NEW PARKING SPACES	314
NET GAIN	26
TOTAL SHOWN	1,548



The green lines show our current fenced site boundaries. The parking lot area is unsecured and public access

The purple lines show a unfenced parking lots that are unsecured public access

We would relocate DG shipping and receiving and our HW collection from Site 2 to Site 3

Proposed controlled crossover point

Proposed transfer route between Site 2 and Site 3

Adjoining business

**SITE PLAN**  
 NO. 17 - 177-0



**Pascal Aughtry & Associates, PC**

REGISTERED PROFESSIONAL ENGINEER  
 STATE OF OKLAHOMA  
 LICENSE NO. 4923

---

OKLAHOMA  
 CLEAR CUT  
 INSTALLATION  
 NATURAL RESOURCES  
 REGULATORY  
 PROGRAM AND  
 SAFETY INSURANCE

---

**BOLEINE 6 STORY**  
 S. Air Depot, Okla. City  
 Gardner-Tanbaum Group

---

Revised: \_\_\_\_\_  
 by: \_\_\_\_\_  
 Date: \_\_\_\_\_

Project: \_\_\_\_\_  
 Site: \_\_\_\_\_  
 Sheet: \_\_\_\_\_