



U.S. Department  
of Transportation

Pipeline and Hazardous  
Materials Safety  
Administration

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

APR 01 2014

Ms. Jennifer Eberle  
Manager, Transportation Compliance  
Veolia ES Technical Solutions, L.L.C.  
1 Eden Lane  
Flanders, NJ 07836

Ref. No.: 14-0025

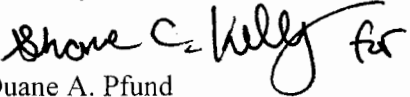
Dear Ms. Eberle:

This responds to your February 10, 2014 email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to the audible warning device requirements of § 173.21(f)(3)(i)(C) when transporting self-reactive or organic peroxide materials requiring temperature control. Your questions are paraphrased and answered as follows:

- Q1. Would use of a vehicle operator's mobile device to receive SMS text messages (sent from the mechanical refrigeration unit by means of an electronic temperature probe) set to a specific sound tone used only for alerts related to the temperature of the refrigeration unit meet the definition of an audible warning device as required in §173.21(f)(3)(i)(C)?
- A1. The answer is yes. Section 173.21(f)(3)(i)(C) states that the warning device must be readily visible or audible, as appropriate, from the vehicle operator's seat in the vehicle. A specific sound tone audible on the operator's mobile device would satisfy this requirement.
- Q2. Would such use of the vehicle operator's mobile device set to receive audible warnings violate the prohibitions in §177.804(b)(2) and (3) if the motor carrier does not allow or require the driver to provide a message in response to the alert until he or she has safely parked and is no longer driving the vehicle?
- A2. The answer is no. A specific sound tone that would not require the operator to view or handle the mobile device while driving would not violate the prohibitions in §177.804(b)(2) and (3).

I hope this satisfies your inquiry. Please contact us if we can be of further assistance.

Sincerely,

  
Duane A. Pfund  
International Standards Coordinator  
Standards and Rulemaking Division



Wiener  
§173.21  
§177.804  
Applicability  
14-0025

February 7, 2014

Standards and Rulemaking Division  
Pipeline and Hazardous Materials Safety Administration  
Attn: PHH-10  
U.S. Department of Transportation  
East Building  
1200 New Jersey Avenue, SE  
Washington D.C. 20590-0001

RE: Request for Interpretation Regarding Audible Warning Device

Dear Sir or Madam:

Please accept this letter as a request for a formal written letter of interpretation from your office. Veolia wishes to receive clarification related to the requirements of §173.21(f)(3)(i)(C) as it applies to the definition of an acceptable audible warning device when transporting self-reactive or organic peroxide materials which require temperature controls.

§173.21(f)(3)(i)(C) requires, "The vehicle operator shall monitor the inside temperature of the transport vehicle, freight container, or motor vehicle and enter that temperature on a written record at the time the package is loaded and thereafter at intervals not exceeding two hours. **Alternatively, a transport vehicle, freight container, or motor vehicle may be equipped with a visible or audible warning device that activates when the inside temperature of the transport vehicle, freight container, or motor vehicle exceeds the control temperature required for the material. The warning device must be readily visible or audible, as appropriate, from the vehicle operator's seat in the vehicle.**"

Modern technology has provided a means of transporting temperature controlled materials in a mechanical refrigeration unit equipped with an electronic probe which continuously monitors the internal temperature of the unit. The probe is set with pre-defined temperature ranges as appropriate for each shipment and has the ability to send automated alerts if there are any excursions outside of the set temperature range. Vehicle operators are notified of alarm conditions in the form of an SMS text message via mobile device. Upon receiving the audible alert, the driver would safely park the vehicle and take any necessary emergency action.

- 1. Would use of a vehicle operator's mobile device to receive SMS text messages set to a specific sound tone used only for alerts related to the temperature of the refrigeration unit meet the definition of an audible warning device as required in §173.21(f)(3)(i)(C)?**
- 2. Would such use of the vehicle operator's mobile device set to receive emergency messages violate the prohibitions set in §177.804(b)(2) & (3) if the motor carrier does not allow or require the driver to provide a message in response to the alert until he or she has safely parked and is no longer driving the vehicle?**

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Your written response to this question is greatly appreciated. If you require any further information regarding this letter please contact me at 973-691-7331 or [jennifer.eberle@veolia.com](mailto:jennifer.eberle@veolia.com).

Thank you,

A handwritten signature in black ink that reads 'Jennifer Eberle'.

Jennifer Eberle  
Manager, Transportation Compliance