



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAR 03 2017

Mr. Tom Forbes
Public Utilities Commission of Ohio
Transportation Department
Field Supervisor Enforcement Division
180 East Broad Street
Suite 412
Columbus, OH 43215

Reference No. 16-0056

Dear Mr. Forbes:

This letter is in response to your April 8, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180) applicable to the marking and shipping paper requirements for multi-compartment cargo tanks containing petroleum distillate fuels. Specifically, you state that a four-compartment DOT 406 cargo tank motor vehicle (CTMV) is used to carry "NA 1993, Diesel Fuel" and/or "UN 1203, Gasoline" for home delivery service. You further explain that the CTMV has two delivery hose reels, with each having the capacity to hold up to 20 gallons of residue product.

In your letter, you describe a scenario in which the DOT 406 CTMV transports diesel fuel, or its residue, in all four of the compartments. In addition, one of the reels on the vehicle contains 20 gallons of diesel fuel, while the other reel contains 20 gallons of gasoline.

We have paraphrased and answered your questions as follows:

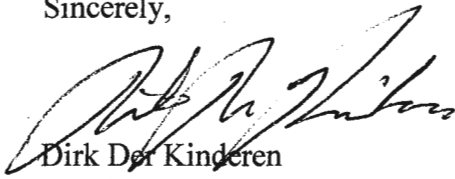
- Q1. You ask if the CTMV in the scenario described may display the "UN 1203" identification number since there is gasoline in one reel, or if it must display "NA 1993" since there is diesel fuel in the cargo tank compartments.
- A1. The requirements to display the identification number are based on the contents of the authorized bulk packaging (see § 172.302). Since the cargo tank contains only diesel fuel, it must display the "NA 1993" identification number.
- Q2. You ask if a shipping paper is required for the gasoline in the reel since the capacity exceeds the Materials of Trade (MOTs) exception for Packing Group (PG) II flammables.
- A2. The answer is no. A hose for loading and unloading a DOT specification cargo tank is not designed to contain hazardous material during transportation, but rather to connect

the authorized transport packaging to a discharging or receiving container. As it would be impractical to remove all traces of hazardous material residue from these hoses when the vehicles are in transit to deliver product, residue is permitted to remain within them. However, the residue must be removed to the fullest extent practical.

Further, the MOTs exception is not applicable in this scenario because the CTMV does not meet one of the three criteria to be considered a MOT (i.e., the principal business is transportation by motor vehicle).

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". The signature is fluid and cursive, with a large initial "D" and "K".

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

Antoine
\$ 172.536
Machery
16 APR 2016

Dodd, Alice (PHMSA)

From: Geller, Shelby CTR (PHMSA)
Sent: Monday, April 11, 2016 9:24 AM
To: Hazmat Interps
Subject: FW: HM Clarification

Dear Shante and Alice,

Forwarded is a request for a formal letter of interpretation. Mr. Forbes mailing address is:

Public Utilities Commission – Transportation Department
Attn: Tom Forbes
180 E. Broad St, STE 412
Columbus, OH 43215

Thanks,
Shelby

From: tom.forbes@puc.state.oh.us [mailto:tom.forbes@puc.state.oh.us]
Sent: Friday, April 08, 2016 9:32 AM
To: PHMSA HM InfoCenter
Subject: HM Clarification

Dear Sir or Madame:

I am requesting a written interpretation/clarification on the transportation requirements under the Hazardous Materials Regulations (HMR 49 CFR Parts 171-180). The questions arose after Interpretation 14-0178 was published.

A carrier is transporting diesel fuel NA 1993 in a 4 compartment home delivery cargo tank today. The home delivery cargo tank transports diesel fuel NA 1993 and/or gasoline UN1203 in different compartments at various times throughout the week. The cargo tank has 2 delivery reels attached to the rear. One reel is designated for diesel fuel delivery and the other reel is designated for gasoline delivery. Depending what they are delivering they use the designated reel. The reel has 100-150 feet of hose and can hold up to 20 gallons of product.

Scenario: A 4 compartment DOT 406 cargo tank is transporting 1993 diesel fuel liquid or residue in all 4 compartments. One reel has 20 gallons of diesel fuel in it and the other reel has 20 gallons of gasoline.

Q-1 Can the cargo tank display 1203 ID numbers since there is gasoline in one reel or must it display 1993 since that is what is in the bulk package?

Q-2 Is a shipping paper required for the gasoline in the reel since the capacity exceeds the material of the trade exception for PG II flammables.

Thank you for your assistance on this matter.

Tom Forbes
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Transportation Department
Field Supervisor Enforcement Division
Cell (614) 519-2811

Office (614) 644-0296

PUCO.ohio.gov



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