



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**

1200 New Jersey Avenue, SE
Washington, DC 20590

MAR 15 2017

Mr. Dustan Burkey
P.O. Box 404
Carrolltown, PA 15722

Reference No. 16-0179

Dear Mr. Burkey:

This letter is in response to your October 27, 2016, email requesting clarification of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) applicable to hazardous materials aboard passenger-carrying vehicles. Specifically, you ask whether it is permissible for passengers to carry 16-ounce cylinders of propane on a charter bus.

The answer is yes, provided that you have no other practicable means of transportation available. If transported on a charter bus, the cylinders must be properly packaged and the hazards must be communicated in accordance with the HMR. The HMR apply to the transportation of hazardous materials in commerce, which includes materials carried by passengers and crew members on chartered vehicles. While hazardous materials—such as propane cylinders—are not prohibited from being carried on a charter bus, the HMR require that they have proper marking, labeling, and shipping paper documentation (which must be provided to the carrier). Further, only bus company employees who have been trained in accordance with Subpart H of Part 172 may perform functions that directly affect the safety of the hazardous materials in transportation. These functions include handling the hazardous materials and driving the bus.

Additional requirements and restrictions pertaining to the transportation of hazardous materials on a motor vehicle, such as driver training, loading and unloading requirements, and gross weight limitations, are addressed in Part 177 of the HMR. Section 177.816 provides additional training requirements; Sections 177.834 and 177.840 provide general and specific requirements for the loading, unloading, and transportation of Class 2 materials (gases); and Section 177.870 specifically restricts the gross weight of any class of hazardous materials (e.g., Division 2.1 for propane) to 45 kg (99 pounds) or less, and the aggregate weight of all other dangerous articles to 225 kg (496 pounds) or less.

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

Dodd, Alice (PHMSA)

Casey
§ 171.10
Applicability
16-0179

From: Rivera, Jordan CTR (PHMSA)
Sent: Thursday, October 27, 2016 3:22 PM
To: Hazmat Interps
Subject: FW: propane

Hi Shante/Alice,

Please submit this as a letter of interpretation. Mr. Burkey spoke with Jodi and Eamonn.

Please let me know if you have any questions.

Thanks,
Jordan

From: dutburk@comcast.net [mailto:dutburk@comcast.net]
Sent: Thursday, October 27, 2016 1:49 PM
To: INFOCNTR (PHMSA)
Subject: propane

This is the second formal request for law interpretation on the matter of transporting 16 ounce propane cylinders on a passenger bus. Could you please provide me with a defined definition on how many ounces of propane or pounds of propane are able to be carried on a passenger bus via commerce. Scenario: A passenger bus leaves Ebensburg, PA and travels to Pittsburgh, PA for a Steeler game. At this game, there will be tailgating involving grills and 16 ounce propane cylinders that will need to be transported on the passenger bus. I would like the law interpretation on whether this is legal? If it is legal, please explain all the legalities. Any other questions, please contact me at the below information. Thank you.

Dustan Burkey
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(814)-344-8073