



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

400 Seventh Street, S.W.  
Washington, D.C. 20590

AUG 12 1998

Mr. Kent F. Blair  
24489 Mullin Road  
Dexter, NY 13634-3003

Ref. No. 98-0163

Dear Mr. Blair:

This is in response to your letter dated June 26, 1998, requesting clarification on the stowage of explosives and poisons in the same transport vehicle. Specifically, you ask if 49 CFR 177.835(c) prohibits the transportation of Division 1.1 or 1.2 explosives with any Division 2.3 or Division 6.1 material within the same transport vehicle.

It is the opinion of this Office that 49 CFR 177.835(c) prohibits the stowage of Division 1.1 and Division 1.2 explosive material in the same transport vehicle with Division 2.3 or 6.1 materials. We will propose to clarify this section in a future rulemaking.

I hope this satisfies your request.

Sincerely,

Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards



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400 Seventh Street, S.W.  
Washington, D.C. 20590

APR 17 1998

Mr. Kent Blair  
24489 Mullin Road  
Dexter, NY 13634

Dear Mr. Blair:

This is in response to your letter dated February 2, 1998, requesting clarification on the transportation of explosives on vehicles in combination. Specifically you ask whether Division 1.1 or 1.2 explosives may be carried on any vehicle or combination of vehicles with any Division 2.3 (poison gas) or 6.1 (poisonous) materials under the Hazardous Materials Regulations (HMR; 49 CFR parts 171-180).

The answer is no. Section 177.835(c) states that Division 1.1 or 1.2 materials may not be loaded into or carried on any vehicle or a combination of vehicles if the other vehicle in the combination contains "Division 2.3 (poisonous gas) or Division 6.1 (poisonous) materials." The phrase "Division 2.3 (poisonous gas) or Division 6.1 (poisonous) materials" includes all Division 2.3 materials, regardless of hazard zone, and all Division 6.1 material, regardless of the physical state or packing group of the material.

I hope this satisfies your request.

Sincerely,

Delmer F. Billings  
Chief, Standards Development  
Office of Hazardous Materials Standards

**Kent F. Blair**  
**24489 Mullin Road**  
**Dexter, NY 13634-3003**

Gale  
File 177.835  
follow-up

June 26, 1998

US Department of Transportation  
Research and Special Programs Administration  
Attn.: Delmer F. Billings  
400 Seventh Street S.W.  
Washington, DC 20590

Dear Mr. Billings

Request further clarification applicable to my letter dated February 4, 1998 and your subsequent response dated April 17, 1998.

For the purpose of clarification, does 49 CFR 177.835 ©, prohibit the loading of Division 1.1 or 1.2 explosives with any Division 2.3 (poison gas) or Division 6.1 (poisonous) material within the same transport vehicle? (E.g. same trailer, same truck).

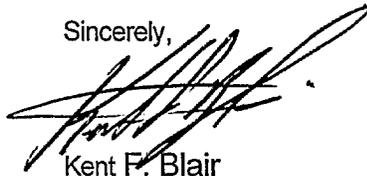
I understand from your response that 49 CFR 177.835 ©, does in fact prohibit the loading of Division 1.1 or Division 1.2 explosives with any Division 2.3 (poison gas) or Division 6.1 (poisonous) material, in the same transport vehicle (e.g. same trailer, same truck), as well in a combination of vehicles.

I make this request for clarification as co-workers have stated that 49 CFR 177.835 ©, applies only to vehicles in combination reasoning that, "Division 1.1 or 1.2 materials may not be loaded into or carried on any vehicle or a combination of vehicle if the other vehicle in the combination contains any Division 2.3 (Poison gas) or Division 6.1 (poisonous) materials.

Co-workers position is that the regulation refers to "the other vehicle" and is therefore not applicable to loading Division 1.1 or 1.2 explosives with Division 2.3 (poison gas) or Division 6.1 (poisonous) materials on the same transport vehicle.

It would seem reasonable to assume that, if you cannot load these items in combination, you cannot load them together. However, I await your clarification.

Sincerely,



Kent F. Blair

Kent F. Blair  
24489 Mullin Road  
Dexter, NY 13634

February 4, 1998

Edward Mazzullo  
Director  
Office of Hazardous Materials Stds.  
400 7th Street Southwest  
Washington, D.C. 20590

RE: Request for clarification 49 CFR  
177.835 (c)(4)(iii)

Dear Mr. Mazzullo:

The undersigned's interpretation of the regulatory guidance contained 49 CFR 177.835 (c)(4)(iii), conflicts with the regulatory guidance contained within 49 CFR 177.848, Segregation Table For Hazardous Materials, specifically:

The undersigned interprets the regulatory guidance contained within 49 CFR 177.835 (c)(4)(iii) as prohibiting Division 1.1 or 1.2 (explosive) materials from being loaded into or carried on any vehicle of a combination of vehicles if the other vehicle in the combination contains any Division 2.3 (poisonous gas) or Division 6.1 (poisonous) material.

The term "any" is interpreted to be all inclusive, meaning any Division 2.3 (poisonous gas), any Division 6.1 (poisonous) material, irrespective of hazard zone, physical state (e.g. liquid) and/or packaging group assigned.

Within 49 CFR 177.848, Segregation Table For Hazardous Materials, the listings applicable to Division 2.3 (poisonous gas) and Division 6.1 (poisonous) material is not all inclusive. Only Poisonous gas Zone A, Poisonous gas Zone B, and Poisonous Liquids PG I, Zone A, are considered for the purpose of segregation during loading, storage or transport.

Edward Mazzullo  
Director  
Office of Hazardous Materials Stds.  
400 7th Street Southwest  
Washington, D.C. 20590

RE: Request for clarification 49 CFR  
177.835 (c)(4)(iii)

Page 2 of 2

Due to the perceived conflict, respectfully request clarification applicable to the following.

1. With respect to 49 CFR 177.835 (c)(4)(iii), is the intent to prohibit any Division 2.3 (poisonous gas) or Division 6.1 (poisonous) material, *irrespective of hazard zone, physical state (e.g. liquid) and/or packaging group assigned*, from being loaded into or carried on any vehicle of a combination of vehicles if the other vehicle in the combination contains any Division 1.1, 1.2 (explosive) material ?

2. If not, what specific Division 2.3 (poisonous gas) or 6.1 (poisonous) material, (*respective of hazard zone, physical state (e.g. liquid) and/or packaging group assigned*) is prohibited from being loaded into or carried on any vehicle of a combination of vehicles if the other vehicle in the combination contains any Division 1.1, 1.2 (explosive) material ?

Sincerely,

Kent F. Blair