



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

NOV 18 1998

Mr. Dennis Urbaniak
Safety Director
Rudolf Express
1650 Armour Road
Bourbonnais, Illinois 60914

Ref. No: 98-0318

Dear Mr. Urbaniak:

This responds to your letter of October 21, 1998, requesting clarification on the requirements for securing packages under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You describe a situation in which hazardous materials classed as Division 4.1, flammable solids, are packaged in 127 steel drums. In order to get the entire shipment on one trailer, the drums were double-decked, with 37 drums standing upright on cardboard on top of the first layer of drums. The first layer was on the floor; the drums in the second layer were banded together and placed wall-to-wall in the middle of the trailer, with room in the front and back. You note that you did not believe that the drums were loaded correctly and ask if the cargo was properly secured.

Your understanding is correct. Section 177.834(g) requires a motor carrier to ensure that packages are secured against movement within a vehicle to prevent shifting or falling under conditions normally incident to transportation. These conditions most often include vehicle starting, stopping, cornering, accident avoidance, and varied road conditions. The scenario you provide does not meet the requirements of § 177.834(g). We note that the space at the front and the back of the top layer of drums in the configuration you describe presents the possibility of movement. Any movement of packages relative to the transport vehicle is a violation of the HMR.

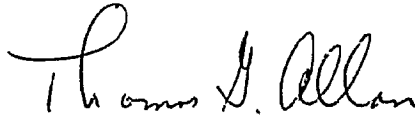
The requirements in § 177.834(g) are met when packages of hazardous materials are secured in a manner that precludes movement within the transport vehicle, e.g., blocking with other freight or the use of tie-downs or toe-boards. General requirements that address protection against shifting or falling cargo are found in the Federal Motor Carrier Safety

177.834

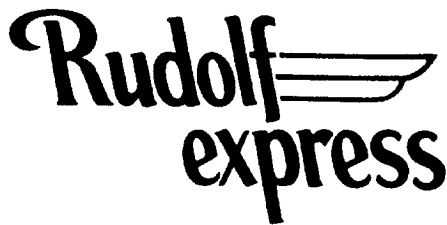
Regulations (FMCSR; 49 CFR Parts 383-399), specifically under §§ 393.100 to 393.106. These requirements allow varied methods of securement, such as blocking with other freight or use of tie-downs or load-locks.

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

Sincerely,

A handwritten signature in cursive script that reads "Thomas G. Allan". The signature is written in dark ink and is positioned above the typed name.

Thomas G. Allan
Senior Transportation Regulations Specialist
Office of Hazardous Materials Standards



Gorsky
§ 177.834

PHONE: 815-933-4466

1650 ARMOUR ROAD, BOURBONNAIS, IL 60914

October 21, 1998

CERTIFIED MAIL
P 289 574 855

Mr. Edward T. Mazzullo
Director of Hazardous Material Standards
U.S. D.O.T./RSPA
DHM-10
400 7th Street SW
Washington, DC 20590-0001

Dear Mr. Mazzullo:

The purpose of this letter is to request your interpretation of CFR 177.834(a) and (g) as it pertains to the following situation:

A shipper loaded 127 steel drums weighing 41,880 lbs. of flammable solids, organic, N.O.S. (contains nickel catalysts), 4, UN1325, PGIII, on one trailer. In order to get the entire shipment on one trailer, the drums had to be double decked. Thirty-seven (37) drums were double decked, standing upright on cardboard, on top of the first layer of drums, which were on the floor not on skids. The drums on top were in the middle of the trailer, wall to wall, with room in front and in back of the drums, and banded together. No other method of securement of the top layer of drums was utilized.

My question to you is this: "Was the hazardous material in this trailer properly secured?" If not, please advise what further could be done to make this load compliant with regulations.

As a further note, please be advised that we did not feel that this was proper loading, and removed the double decked drums and put them on another trailer before the load left our terminal.

Your assistance with this matter is greatly appreciated.

Yours truly,

RUDOLF EXPRESS COMPANY

Dennis Urbaniak
Safety Director

DLU:pr