



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

FEB 13 1998

Mr. Dana Murphy
Vice President
West Central Environmental Corp.
Post Office Box 83
Rensselaer, NY 12144

Dear Mr. Murphy:

This is in response to your letter of December 5, 1997, concerning the status of a cargo tank which has been separated from its tractor. Specifically you asked if a cargo tank, located on private property with the motive power removed from the property, is subject to the attendance requirements of the Hazardous Materials Regulations (§ 177.834(i)) as it is loaded or off-loaded over a period of 12 to 48 hours.

"Transportation," as defined in § 5102 of the Federal hazardous material transportation law (49 U.S.C. 5101-5127), is any movement of property by any mode, and any loading, unloading, or storage incident to the movement. As applicable to the attendance requirements, highway transportation of a cargo tank ceases when: (1) The carrier's obligation for transporting the materials is fulfilled; (2) The cargo tank has been placed upon the consignee's premises; and (3) The motive power has been removed from the trailer and removed from the premises (§ 177.834(i)(2)).

A tank removed from its motive power on private property is not considered in transportation and not subject the attendance requirements when the above conditions have been met. For information concerning the Federal Motor Carrier Safety Regulations in 49 CFR Parts 300-399, please contact the Federal Highway Administration's Office of Motor Carriers at (202) 366-1790.

I hope this answers your inquiry. If we can be of further assistance, do not hesitate to contact us.

Sincerely,

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



WEST CENTRAL ENVIRONMENTAL

P.O. Box 83
Rensselaer, NY 12144
518-272-6891

24-HOUR SERVICE CORP.
EPA ID #NYD000708271
N.Y.S. Waste Haulers #4A-106

Syracuse, NY
315-472-6500
Binghamton, NY
607-722-6400
Poughkeepsie, NY
914-471-1400
Grand Island, NY
716-775-3335

*Contractors
File # 177,834
SA: 442,*

FAX COVER SHEET

FAX#: (518) 272-0108

OF PAGES INCLUDING COVER SHEET: 1

TO: Michael JOHNSON

FROM: DANA Murphy

DATE: 12/5/97

TIME: _____

RE: CFR 49 Subpart B 177.834(i)(1),(2),(3) & (4)
MR. JOHNSON

- IS A SEMITRAILER CARGO TANK WHICH HAS BEEN
SPOTTED ON PRIVATE PROPERTY (SEPERATED FROM ITS TRACTOR)
STILL REGULATED BY THE ABOVE MENTIONED PARTS AND/OR OTHER
FMCER WHILE LOADING OR OFFLOADING HAZARDOUS MATERIALS,
SPECIFICALLY IF SUCH LOADING OR OFFLOADING WAS
TO OCCUR OVER AN EXTENDED PERIOD OF TIME, SAY
12 TO 48 HRS.?

*Respectfully
DANA Murphy
VICE PRESIDENT*

IF YOU DO NOT RECEIVE ALL PAGES TRANSMITTED, PLEASE NOTIFY ME IMMEDIATELY AT (518) 272-6891.

Interpretation Letters

Developed By Booz • Allen & Hamilton Inc.

Requester Bob Bonich
Company Suttles Truck Leasing, Inc.
Phone 334-289-0670

Date Received: 4/6/99
Tracking Number: 99-0087
Revision Date: 4/21/2000

Date Assigned 4/6/99
Staff Edmonson
Section 177.834
Subject Load/Unload
Concurrence
Status CLOSED
Sign/Close Date 03/10/2000

Date of Letter 3/29/99
First Draft Due: 4/27/99
First Draft Date:
Days to Sign 339
Status Date
Signor HLMitchell

HBP

Copy to Docket

Copy to DHM-60

Comment

Transferred to Joan McIntyre on 02/11/00.
02/17/00 called Bob Bonich and NY State Police. Police issued citation for violation Sect. 177.834(j) to one of Bonich's shipments. Informed both that in accordance with Section 173.29(b), Bonich's shipment was not subject to Sect. 177.834(j) and therefore, manholes and closures do not need to be closed. Neither party requires a written response.

Letter transferred from Mack to McIntyre. HBP
02/22/00 -- Received a phone call from Trooper Oskt (officer who issued citation). He changed his request and asked that we put the response in writing for the purposes of a training class.
02/23/00 -- Draft letter to HLM.
0/24/00 revised by HLM and returned.

7/07

Carolyn - Ple put
these pictures of
this letters file.
(yellow)
Thanks,
Eden



ST-163

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