



U.S. Department  
of Transportation

**Research and  
Special Programs  
Administration**

MAR 10 2000

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

Ref. No. 99-0087

Trooper George Okst  
New York State Police  
Troop F  
55 Crystal Run Rd.  
Middletown, NY 10941

Dear Trooper Okst:

This is in response to your request for clarification of 49 CFR 177.834(j) regarding the closure of manholes and valves on an MC 307 multi-cargo tank motor vehicle. Your request is based on a letter we received from Mr. Bob Bonich of Suttles Truck Leasing, Inc. Specifically, you ask whether a manhole closure on an individual cargo tank that has been emptied and cleaned must be securely closed if the other cargo tanks contain hazardous materials.

The answer is no. A cargo tank motor vehicle as defined in § 171.8, means a motor vehicle with one or more cargo tanks permanently attached to or forming an integral part of the motor vehicle. Each "cargo tank" is a bulk packaging. In accordance with § 173.29(b), an empty packaging that has been cleaned of residue and purged of vapors and that meets the provisions in subparagraphs (b)(1) and (b)(3) is excepted from all other requirements of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). In the case of a multi-cargo tank motor vehicle, each individual cargo tank is a separate packaging. Therefore, the manhole closure on an empty and clean cargo tank meeting the requirements of § 173.29(b) need not be securely closed.

I hope this information is helpful. Please contact this office if you need additional assistance.

Sincerely,

Hattie L. Mitchell, Chief  
Regulatory Review and Reinvention  
Office of Hazardous Materials Standards



990087

177.834



**SUTTLES**

**TRUCK LEASING, INC.**

EXT. 137

**AMERICA'S BEST**

(334) 289-0670

1-800-445-1989 \* AL Wats 1-800-821-8051

P.O. Box 129 \* Highway 43 South \* Demopolis, Alabama 36732

March 29, 1999

Mack  
8177.834  
99-0087

David LeMaster  
Hazardous Material Specialist  
Office of Motor Carrier  
500 East Blvd, Suite 200  
Montgomery, AL 36117

Re: Interpretation

Dear Mr. LeMaster,

On 03/18/99 our driver Jeff Reeves had a roadside inspection conducted by the New York State Department of Transportation and cited for the violation of 177.834(J) "manhole not closed compartment 4" to which we are seeking an interpretation.

The tank inspected has our unit # ST163 and is a 1991 Brenner MC307 (5) compartment tank. (See exhibit I.) This trailer when inspected contained non-hazardous products in compartments #1 and #5. Compartments #2 and #3 contained hazardous products (corrosive). The #4 compartment contained no product and was empty and cleaned. Since this is a (5) compartment tank, each compartment is a "cargo" tank, and each compartment (cargo) must meet the regulation requirements.

The officer cited us for violation of 177.834(J). (See copy.) This section refers to manholes and valves closed when driving a cargo tank or drive a cargo tank motor vehicle, containing a hazardous material. Compartment #4 or cargo tank #4 had no hazardous material in it. The compartment was empty, and had been cleaned. We contend that 177.834(J) does not apply to compartment #4 and we should not have been cited. I am enclosing copies of the paper verifying that compartment 1, 2, 3, and 5 had product in them. (See exhibit II.)

David LeMaster  
March 29, 1999  
Page 2

This tank (all compartments) was cleaned at Calumet Tank Wash, Chicago, IL and then driver went to Albright-Wilson, Blue Island, IL and loaded. Our driver received a traffic ticket for "manhole not secure". (See exhibit II.) We plan to defend our position with New York DOT and would appreciate an interpretation as soon as possible.

Respectfully,  
SUTTLES TRUCK LEASING, INC.



Bob Bonich  
V.P. Human Resources

BB/rj  
enclosure