



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

APR 27 1999

Mr. Thomas S. Smith
Truckmaster
Department of the Army
182nd Transportation Company (MTP)
901 Airport Access Road
Traverse City, MI 49686

Ref. No. 99-0103

Dear Mr. Smith:

This is in response to your letter dated April 15, 1999, regarding the applicability of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180) to government agencies transporting hazardous materials.

The statutory authority granted to the Department of Transportation under the Federal hazardous materials transportation law (49 U.S.C. 5101 et seq.) is limited to transportation of hazardous materials in commerce. Shipments of hazardous materials transported by a government entity in vehicles operated by government personnel for noncommercial purposes are not subject to the HMR. However, if the purpose is commercial or if the government entity offers hazardous material for transportation to commercial carriers, then the HMR apply.

I hope this satisfies your request.

Sincerely,

John A. Gale
Transportation Regulations Specialist
Office of Hazardous Materials Standards



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DEPARTMENT OF THE ARMY
182ND TRANSPORTATION COMPANY (MTP)
901 AIRPORT ACCESS ROAD
TRAVERSE CITY, MICHIGAN 49686

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SML.1
99-0103

15 APRIL 99

Mr. Delmer F. Billings
Chief, Regulations Development
Office of Hazardous Materials Standards
US Department of Transportation
400 Seventh Street SW
Washington DC 20001

SUBJECT: Applicability of HAZMAT Regulations to Government Agencies.

Dear Mr. Billings,


This is a request for help from your office. I am assigned to a US Army Reserve Transportation Company and am responsible for managing a fleet of 60 trucks and fuel tankers. Attached is a letter from you dated 23 FEB 95. I am requesting that you review the letter and if it still applies, send me an updated copy.

The information in your letter is used to avoid placing inspection stickers on our vehicles. We have Radar Absorbing paint (CARC PAINT) on our vehicles and placing these stickers on our vehicles invalidates the paint.

We have our own internal requirement to purge our fuel tankers on a yearly basis and complete this requirement without fail. Again, we are only asking for relief from the requirement to place inspection stickers on our vehicles.

In the past, the Michigan DOT has accepted this letter in lue of the inspection stickers. Any help you can give me in this matter would be greatly appreciated.

Thank You,


THOMAS S. SMITH
SFC, USA
TRUCKMASTER