



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

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

DEC 2 1999

Mr. George Barber
California Highway Patrol
2072 Third Street
Oroville, CA 95965

Ref. No. 99-0306

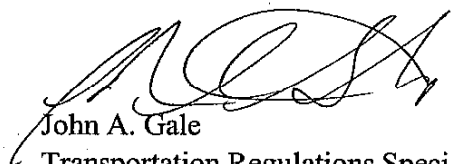
Dear Mr. Barber:

This is in response to your letter dated November 5, 1999, regarding segregation requirements under § 177.848(e)(3) of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). Specifically you ask if lab packs containing Division 4.1 and Class 8 liquids may be considered a truckload and therefore loaded above or adjacent to one another when offered by different shippers and transported by a single carrier.

The answer is no. Section 177.848(e)(3) states that Class 8 liquids may not be loaded above or adjacent to Class 4 or Class 5 materials. Section 177.848(e)(3) also states that shippers may load truckload shipments of such materials together when it is known that the mixture of contents would not cause a fire or a dangerous evolution of heat or gas. The term truckload as used in this section means a shipment of hazardous materials loaded into a transport vehicle by a single shipper. Shipments of hazardous materials offered to a carrier by different shippers and loaded into a transport vehicle are not considered to be a truckload. Therefore, a carrier that receives Class 4 and Class 8 materials from different shippers must segregate the materials in accordance with § 177.848(e)(3).

I hope this satisfies your request.

Sincerely,



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



990306

177.848

BALH

Date: November 5, 1999

8 177.848

To: Mr. Edward Mazzullo
Director, Office of Hazardous Materials Standards
400 "7th" SW
Washington DC 20590-0001

99-0306

From: DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
Oroville

File No.: 201.10665

Subject: Letter of Interpretation

I am writing to request an interpretation or definition of "Truckload", as used in Section 177.848(e)(3). On 11/05/99 at approximately 09 00 hours I spoke with Jeff on the information line and he suggested I request a letter on interpretation. Specifically, would a truck load of hazardous wastes, Division 4.1 and Class 8 liquids, in lab packs, shipped by multiple waste generators, be subject to the separation regulation or be considered a truckload shipment, after the shipment was consolidated by waste clean-up company, for transportation to a disposal site?

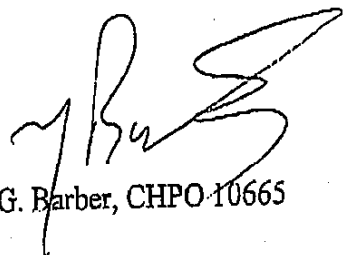
I would appreciate an expedited reply, as a court case is pending on this matter.

My return address is:

California Highway Patrol
2072 Third Street
Oroville, CA 95965

Fax (530) 533-2703

530 533 3822



G. Barber, CHPO 10665