



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

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

MAY 17 2002

Ms. Shelley Espinoza
Sr. HSE Advisor
Baker Hughes
2001 Rankin Road
Houston, Texas 77073

Ref. No. 02-0106

Dear Ms. Espinoza,

This is in response to your letter dated April 2, 2002, requesting clarification of a transport vehicle and an overpack under the Hazardous Materials Regulations (HMR; 49 CFR Parts 100-185) as applied to a particular enclosure. Specifically, you state that the enclosure is a box that is welded, bolted or otherwise permanently or semi-permanently attached to the bed of an open bed vehicle and is not part of the original vehicle construction. The box is used to protect and consolidate hazardous material packages from one consignor. You also convey your understanding that the box would be considered an overpack if it is less than 64 cubic feet.

As defined in § 171.8, a transport vehicle is a cargo-carrying vehicle such as an automobile, tractor, truck, etc. used for the transportation of cargo by any mode. An overpack is an enclosure used by a single consignor to provide protection or convenience in the handling of a package or to consolidate two or more packages. An overpack does not include a transport vehicle. An example of an overpack is one or more packages placed in a protective outer packaging such as a box or crate. An overpack must meet the definition in § 171.8 and is not determined by its cubic feet limitation. A reference to a limitation of 64 cubic feet is found in § 171.8 under the definition of a freight container. However, it does not apply to a transport vehicle or an overpack.

It is our opinion that the described enclosure mounted on the vehicle is a modification to the transport vehicle. It is now a permanent or semi-permanent attachment of the vehicle. The vehicle and the affixed enclosure is considered a transport vehicle.

I hope this information is helpful. If we can be of further assistance, do not hesitate to contact us.

Sincerely,

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



020106

171.8

- Foster
§ 171.8
Definitions
02-0106



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Shelley Espinoza
Sr. HSE Advisor

April 2, 2002

Mr. Delmer Billings
Chief, Standards Development
Office of Hazardous Materials Standards
Research and Special Programs Administration
U.S. Department of Transportation
400 Seventh Street, S.W.
Washington, DC 20590-0001

Dear Mr. Billings:

Clarification by your office as to whether the following type of enclosure is considered part of a transport vehicle or is an overpack, as defined in 49 CFR 171.8, is greatly appreciated.

Enclosure: A box that is welded, bolted or otherwise permanently or semi-permanently attached to the bed of an open bed vehicle. The box is not part of the original construction of the vehicle. It is used to protect and consolidate hazardous materials packages from *one* consignor; a private or contract carrier operates the vehicle.

It is understood that the box would be considered an overpack if it is less than 64 c.f. in volume and is not attached to the vehicle, other than being secured to prevent movement during transport.

Thanking you in advance for help with this issue,

A handwritten signature in cursive script that reads "Shelley Espinoza".

Shelley Espinoza
Sr. HSE Advisor