



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

MAY 21 2003

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

Mrs. Lori Leonti
Coordinator of Safety Policy and
Responsible Care
Roadway Express
1077 Gorge Boulevard
P.O. Box 471
Akron, OH 44309-0471

Ref. No. 03-0028

Dear Mrs. Leonti:

This is in response to your January 28, 2003, letter regarding the requirement for immediate notification of certain hazardous materials incidents. Specifically, you request clarification on the notification requirements contained in § 173.15 of the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180).

Your questions are paraphrased and answered as follows:

- Q1. Is an incident that does not involve a hazardous material reportable under the provisions of § 171.15 if the transport vehicle fuel tank leaks as a result of the collision?
- A1. No, the requirements of the HMR only apply to the transportation of hazardous materials in commerce.
- Q2. If a cylinder is found leaking on a carrier's dock at a closed facility where only facility employees are present, resulting in the evacuation of the facility for greater than an hour, must the facility report under the provisions of § 171.15?
- A2. The requirements of § 171.15 apply to incidents that occur during the course of transportation, including loading, unloading, and storage incidental thereto. Although there is no regulatory definition for the term "general public" the evacuation of facility employees would not trigger the incident reporting requirements of § 171.15(a)(1)(iv). However, the immediate incident reporting requirements do apply when one or more transportation arteries or facilities are closed or shut



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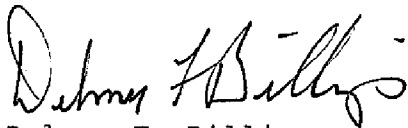
171.15

down for one or more hours (§ 171.15(a)(1)(v)). It is the opinion of this office that the evacuation of a carrier terminal facility for two hours would meet the criterion in § 171.15(a)(1)(v).

- Q3. A motor carrier transporting hazardous materials is involved in a fatal accident, however, there is no release of hazardous materials or damage to the hazardous materials packagings. Is this incident subject to reporting under the provisions of § 171.15?
- A3. No, immediate notice must be given if a person is killed "as a direct result of the hazardous material."
- Q4. A release of a hazardous material during loading results in the injury of an employee, who is transported to the local emergency room and then directly released. Is this incident reportable under the provisions of § 171.15?
- A4. Under the provisions of § 171.15(a)(1)(ii), a carrier must provide immediate notice of a hazardous material incident that results in the hospitalization of a person. Although there is no regulatory definition provided for the term "hospitalization," to meet the requirements of this provision a person must be admitted to a hospital as a patient. Immediate notification is not required if a person is taken to the hospital and is treated in the emergency room but not admitted to the hospital.

I hope this information is helpful. If you have further questions, please do not hesitate to contact this office.

Sincerely,



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



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January 28, 2003

BAH
§ 171.15 (a)(1)
Incidents Reports
03-0028

Mr. Edward T. Mazzullo
Director, Office of Hazardous Materials Standards
U.S. DOT/RSPA (DHM-10)
400 7th Street S. W.
Washington, D.C. 20590-0001

Dear Mr. Mazzullo,

Section 171.15 requires immediate notification to the National Response Center when incidents occur "as a direct result of hazardous materials." Please clarify if the following scenarios would warrant immediate reporting as required under 171.15 (a)(1):

1. A motor carrier is involved in an accident with another vehicle which results in a punctured saddle tank. One hundred gallons of diesel fuel is released and the highway is shut down for over an hour. The vehicle was not transporting hazardous materials.
2. A cylinder containing a 2.3 material is discovered leaking on a carrier's dock. The entire terminal facility was evacuated for two hours. *Also advise definition of "general public."*
3. A motor carrier transporting hazardous materials is involved in an accident that results in a fatality. There was no damage to the packages or release of hazardous materials.
4. During unloading, terminal personnel discover a cylinder containing a 2.2 is releasing. The exposed employees are taken to the emergency room and released.

Sincerely,

Lori Leonti
Coordinator of Safety Policy and Responsible Care